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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 12, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

01-07-05 A11:13 RCVD

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) INCOMPATIBLE ACTIVITES STATEMENT:

Public hearing, discussion and adoption of the Board of Appeals' Incompatible Activities Statement as required by the San Francisco Campaign and Governmental Conduct Code § 3.218. Copies are available at the Board office. Please address comments to Executive Secretary Robert Feldman, Board of Appeals, 1660 Mission Street #3036, SF, CA 94103. Telephone (415) 575-6880, fax (415) 575-6885, or email at robert.feldman@sfgov.org.

(4) ADDENDUM ITEMS:

(4A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 110 Romain Street. Permit issued on July 23, 2004. Last day to appeal was Aug. 9, 2004. Jurisdiction request received on Nov. 10, 2004. Letter from Steve Atkinson, attorney for Bruce Massarsky, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/07/23/9697. Permit Holder(s): Jane Wales & Scott Blaze. Project: renew expired Building Permit Application No(s). 2001/11/28/4075S (roof deck under 400sf) and complete work.

(4B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 685 Sutter Street. Entertainment Commission approved a conditional grant of a place of entertainment permit on August 17, 2004. Last day to appeal was August 27, 2004. Jurisdiction request received on December 3, 2004. Letter from Tom Ferriole, requestor(s), asking that the Board take jurisdiction over the afore-mentioned place of entertainment permit. Permit Holder(s): Keith Goodman dba "The Cellar."

(4C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 22 Alta Street. Letter from Acting Dept. of Building Inspection (DBI) Director dated November 2, 2004. Last day to appeal was November 17, 2004. Jurisdiction request received on December 8, 2004. Letter from Roger Beers, attorney for Peter Overmire, requestor(s), asking that the Board take jurisdiction over a letter by the Acting Director of the Dept. of Building Inspection (DBI) which states that the expiration of Building Permit Application No(s). 9710066S was unwarranted and that the subject permit is reinstated. Permit Holder(s): Robert Mahoney.

(4D) REHEARING REQUEST:

Subject property at 2646-2648 Hyde Street. Letter from Ellen Tsang, Appellant, requesting rehearing of Appeal No(s). 03-134 & 03-144, decided December 15, 2004. At that time, upon motion by Vice President Sugaya, the Board voted 4-0-1 (Commissioner Fung absent) to uphold both permits. Project, 1st permit: on 2-unit residential building, repair existing roof deck at rear; repair existing door at rear on ground floor; repair existing exterior stairs at rear. Project, 2nd permit: on 2-unit residential building, modify Building Permit Application No. 2004/09/22/4898; resurface existing roof deck; deck surface only; remove existing membrane and tiles. Permit Holder(s): Phil Fernandez.

(5) **CONSENT ITEMS (TAXI COMMISSION REVOCATION):** With the consent of the Taxi Commission, the Board will proceed to a vote without testimony to overrule the revocation of the subject permit(s) with the condition that the appellants pay all appropriate permit fees and/or penalties. Without consent the Board will take testimony and then decide the appeal.

(5A) APPEAL NO. 04-137

WIN-TUN MAUNG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 86345. FOR HEARING TODAY.

(5B) APPEAL NO. 04-138

NYI LWIN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 98191. FOR HEARING TODAY.

(5C) APPEAL NO. 04-141

ISMAEL OKUNADE, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 79412. FOR HEARING TODAY.

3 1223 03473 4641

(5) **CONSENT ITEMS CONTINUED:**

(5D) **APPEAL NO. 04-142**

OMAR HASHIMI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 87439. FOR HEARING TODAY.

(6) **APPEAL NO. 04-180**

ROBERT HUTCHINSON, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1290 Sutter Street. Protesting the conditional grant on November 16, 2004, to Scott Robertson dba “Regency Building Leasing”, of an Extended-Hours Permit. FOR HEARING TODAY.

(7) **APPEAL NO. 04-076**

JOHN & LESLIE WOODWARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	65 Caselli Avenue. Protesting the issuance on June 30, 2004, to Stewart Oaten, Permit to Alter a Building (on 2-unit building: replace existing deck, extend approximately 4’0” and new stairs). APPLICATION NO. 2004/06/30/7682. PUBLIC HEARING HELD ON DEC. 1, 2004. FOR FURTHER CONSIDERATION TODAY.

ITEMS (8A), (8B) & (8C) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 04-094**

OTTO WIEGAND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4001 Mission Street. Protesting the issuance on July 16, 2004, to 4001 Mission St. Associates LLC, Site Permit to Erect a Building (4-story, 3-unit condominium building). APPLICATION NO. 2002/09/20/7097S. PUBLIC HEARING HELD NOV. 10, 2004. FOR FURTHER CONSIDERATION TODAY.

(8B) **APPEAL NO. 04-096**

SHAWN LEONARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4001 Mission Street. Protesting the issuance on July 16, 2004, to 4001 Mission St. Associates LLC, Site Permit to Erect a Building (4-story, 3-unit condominium building). APPLICATION NO. 2002/09/20/7097S. PUBLIC HEARING HELD NOV. 10, 2004. FOR FURTHER CONSIDERATION TODAY.

(8C) **APPEAL NO. 04-102**

OTTO WIEGAND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	8 Murray Street. Protesting the issuance on July 29, 2004, to 4001 Mission St. Associates LLC, Site Permit to Erect a Building (4-story, 3-unit condominium building). APPLICATION NO. 2002/09/20/7104S. PUBLIC HEARING HELD NOV. 10, 2004. FOR FURTHER CONSIDERATION TODAY.

(9) **APPEAL NO. 04-130**

HELENE deBAUBIGNY & JOHN GOLOB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2763 Filbert Street. Protesting the issuance on September 7, 2004, to Lock & Irene Holmes, Permit to Alter a Building (on single-family house: revisions to Building Permit Application No(s). 2003/08/18/2357 and 2000/05/23/0798; cut-in roof; provide windows for roof access; and one skylight, flat at sloped roof). APPLICATION NO. 2004/09/07/3487. PUBLIC HEARING HELD DEC. 8, 2004. FOR FURTHER CONSIDERATION TODAY.

(10) APPEAL NO. 04-037

ANTHONY DUMONT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	155 Westwood Drive. Appealing a Notice of Decision by Dept. of Building Inspection Director Frank Chiu, dated April 19, 2004, revoking Building Permit Application No(s). 2003/05/19/4954, 2003/08/05/1263, and 2003/08/21/2731. Reason(s) for revocation: construction at the subject property exceeded the scope of the first two permits; and the third permit was issued in error due to false information supplied by the permit applicant. FOR HEARING TODAY.

(11) APPEAL NO. 04-116

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

(12) APPEAL NO. 04-139

NEIL & NEA HANSCOMB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	7909-7911 Geary Boulevard. Protesting the issuance on September 24, 2004, to Paul Detimofeev, Permit to Alter a Building (on 2-unit residential building: add family room and 2 decks per plans). APPLICATION NO. 2001/06/08/1143. FOR HEARING TODAY.

(13) **APPEAL NO. 04-140**

ALICE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2549 Post Street. Protesting the issuance on September 24, 2004, to Paul Basaillon, Permit to Alter a Building (on 24-unit apartment building: remodeling top floor; change roof above living room). APPLICATION NO. 2004/09/24/5144. FOR HEARING TODAY.

(14) **APPEAL NO. 04-143**

RICHARD & JULIE NEWBOLD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	515 – 17th Avenue. Protesting the issuance on September 24, 2004, to Heidi Wilcox & Farley Pearce, Permit to Alter a Building (on single-family house: convert ground floor storage room into family room with full bath; reconstruct outside stair from 2nd story to back yard; infill area below sunroom and reconstruct ½ bath). APPLICATION NO. 2004/09/24/5077. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 6th, 2005**

MEMBERS OF THE BOARD OF APPEALS

KATHLEEN HARRINGTON	**PRESIDENT**
HISASHI B. SUGAYA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 12, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kathleen Harrington, Vice President Hisashi Sugaya, Commissioner Frank Fung, Commissioner Sabrina Saunders, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

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SPEAKERS: None.

(3) **INCOMPATIBLE ACTIVITES STATEMENT:**

Public hearing, discussion and adoption of the Board of Appeals' Incompatible Activities Statement as required by the San Francisco Campaign and Governmental Conduct Code § 3.218. Copies are available at the Board office. Please address comments to Executive Secretary Robert Feldman, Board of Appeals, 1660 Mission Street #3036, SF, CA 94103. Telephone (415) 575-6880, fax (415) 575-6885, or email at robert.feldman@sfgov.org.

ACTION: Upon motion by President Harrington, the Board voted 5-0 to continue the matter to February 2, 2005.

(4) ADDENDUM ITEMS:

(4A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 110 Romain Street. Permit issued on July 23, 2004. Last day to appeal was Aug. 9, 2004. Jurisdiction request received on Nov. 10, 2004. Letter from Steve Atkinson, attorney for Bruce Massarsky, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/07/23/9697. Permit Holder(s): Jane Wales & Scott Blaze. Project: renew expired Building Permit Application No(s). 2001/11/28/4075S (roof deck under 400sf) and complete work.

ACTION: Upon motion by Vice President Sugaya, the Board voted 5-0 to deny jurisdiction.

LIST OF PARTIES: Bruce Massarsky, requestor; Steve Atkinson, attorney for requestor; Scott Emblidge, attorney for permit holder.

(4B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 685 Sutter Street. Entertainment Commission approved a conditional grant of a place of entertainment permit on August 17, 2004. Last day to appeal was August 27, 2004. Jurisdiction request received on December 3, 2004. Letter from Tom Ferriole, requestor(s), asking that the Board take jurisdiction over the afore-mentioned place of entertainment permit. Permit Holder(s): Keith Goodman dba "The Cellar."

ACTION: (1) Upon motion by President Harrington, the Board voted 4-0 to recuse Vice President Sugaya. (2) Upon motin by Commissioner Knox, the Board voted 3-1-1 (Commissioner Fung dissented, Vice President Sugaya recused) to deny jurisdiction.

LIST OF SPEAKERS: Tom Ferriole, requestor; Holli Thien, attorney for permit holder; Robert Davis, Entertainment Commission; Lawrence Badiner, ZA.

PUBLIC COMMENT: (For Requestor) Robert Garcia of a tenants association said posted notice was not sufficient and poorly placed and business is "out of control." Patricia Glasky described drunks in driveway after events and asked the Board to reopen the case. Bridget Hennessy said she often passes the site and couldn't see the posted notice sign because of the way it is placed.

(4C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 22 Alta Street. Letter from Acting Dept. of Building Inspection (DBI) Director dated November 2, 2004. Last day to appeal was November 17, 2004. Jurisdiction request received on December 8, 2004. Letter from Roger Beers, attorney for Peter Overmire, requestor(s), asking that the Board take jurisdiction over a letter by the Acting Director of the Dept. of Building Inspection (DBI) which states that the expiration of Building Permit Application No(s). 9710066S was unwarranted and that the subject permit is reinstated. Permit Holder(s): Robert Mahoney.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to grant jurisdiction and for the hearing to be scheduled for March 9, 2005 with the companion ZA determination case.

LIST OF SPEAKERS: Roger Beers, attorney for requestor; William Marchant, attorney for permit holder; Laurence Kornfield, DBI.

(4D) **REHEARING REQUEST:**

Subject property at 2646-2648 Hyde Street. Letter from Ellen Tsang, Appellant, requesting rehearing of Appeal No(s). 04-134 & 04-144, decided December 15, 2004. At that time, upon motion by Vice President Sugaya, the Board voted 4-0-1 (Commissioner Fung absent) to uphold both permits. Project, 1st permit: on 2-unit residential building, repair existing roof deck at rear; repair existing door at rear on ground floor; repair existing exterior stairs at rear. Project, 2nd permit: on 2-unit residential building, modify Building Permit Application No. 2004/09/22/4898; resurface existing roof deck; deck surface only; remove existing membrane and tiles. Permit Holder(s): Phil Fernandez.

ACTION: Upon motion by Vice President Sugaya, the Board voted 5-0 to deny the request for rehearing.

LIST OF SPEAKERS: Stephen Williams, attorney for requestor/appellant; Eve Hodson, agent for permit holder; Laurence Kornfield, DBI.

(5) **CONSENT ITEMS (TAXI COMMISSION REVOCATION):** With the consent of the Taxi Commission, the Board will proceed to a vote without testimony to overrule the revocation of the subject permit(s) with the condition that the appellants pay all appropriate permit fees and/or penalties. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 04-137**

WIN-TUN MAUNG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 86345. FOR HEARING TODAY.

(5B) **APPEAL NO. 04-138**

NYI LWIN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 98191. FOR HEARING TODAY.

(5C) **APPEAL NO. 04-141**

ISMAEL OKUNADE, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 79412. FOR HEARING TODAY.

(5D) **APPEAL NO. 04-142**

OMAR HASHIMI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on September 22, 2004, of a Driver of Public Passenger Vehicle for Hire Permit due to non-payment of fees. PERMIT NO. 87439. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to overrule all revocations on condition that appellants pay the renewal fee & penalties.

SPEAKERS: None.

(6) **APPEAL NO. 04-180**

ROBERT HUTCHINSON, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1290 Sutter Street. Protesting the conditional grant on November 16, 2004, to Scott Robertson dba "Regency Building Leasing", of an Extended-Hours Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-1 (Commissioner Fung dissented) to uphold the permit.

LIST OF SPEAKERS: Jan Vaughn Mock, attorney for appellant; Mark Rennie, attorney for permit holder; Jennifer Hundley, agent for permit holder; Robert Davis, Entertainment Commission; Lawrence Badiner, ZA; Laurence Kornfield, DBI.

PUBLIC COMMENT: (For Appellant) Robert Garcia said he is in a condo across the street and opposes use because it is an historic area, with 290 buildings downtown on National Register, 50,000 live there, and it's a high crime area. Dennis Stanton opposes because it is too close to Burnhouse Court condos and noise is bad on New Year's Eve, too close to residences. Patricia Glasky said it's an extremely noisy area with traffic and buses and no reason to be allowed to stay open to 4 a.m. even once a month. Adil Shaikh operates hotel at 1485 Bush and said he opposes permit and demographics of area changing with more senior housing being built in area. (For Permit Holder) Stephen Feener is for use because it has been venue for historic groups and allowing late hours once a month is not unreasonable. Stuart Cornick of SF Events is for use because he does events there and they have excellent pricing. Joannie Liss of SF Events is for use and does ethnic weddings that often go late. Joegh Bullock said he supports use at one day a month for late night, which is good compromise. Madeleine Amodco felt protected when inside hall. Suzanne Kavert, manager of catering services, supports use because it does 300 plus events a year and it is a unique building. John Choice said use is not a noise problem for the neighborhood.

(7) **APPEAL NO. 04-076**

JOHN & LESLIE WOODWARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	65 Caselli Avenue. Protesting the issuance on June 30, 2004, to Stewart Oaten, Permit to Alter a Building (on 2-unit building: replace existing deck, extend approximately 4'0" and new stairs). APPLICATION NO. 2004/06/30/7682. PUBLIC HEARING HELD ON DEC. 1, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Vice President Sugaya, the Board voted 5-0 to continue the hearing to February 2, 2005 & for the Planning Department to re-review the plans.

SPEAKERS: Lawrence Badiner, ZA; Leslie Woodward, co-appellant; Stewart Oaten, permit holder.

ITEMS (8A), (8B) & (8C) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 04-094**

OTTO WIEGAND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4001 Mission Street. Protesting the issuance on July 16, 2004, to 4001 Mission St. Associates LLC, Site Permit to Erect a Building (4-story, 3-unit condominium building). APPLICATION NO. 2002/09/20/7097S. PUBLIC HEARING HELD NOV. 10, 2004. FOR FURTHER CONSIDERATION TODAY.

(8B) **APPEAL NO. 04-096**

SHAWN LEONARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	4001 Mission Street. Protesting the issuance on July 16, 2004, to 4001 Mission St. Associates LLC, Site Permit to Erect a Building (4-story, 3-unit condominium building). APPLICATION NO. 2002/09/20/7097S. PUBLIC HEARING HELD NOV. 10, 2004. FOR FURTHER CONSIDERATION TODAY.

(8C) **APPEAL NO. 04-102**

OTTO WIEGAND, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	8 Murray Street. Protesting the issuance on July 29, 2004, to 4001 Mission St. Associates LLC, Site Permit to Erect a Building (4-story, 3-unit condominium building). APPLICATION NO. 2002/09/20/7104S. PUBLIC HEARING HELD NOV. 10, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Harrington, the Board voted 4-1 (Vice President Sugaya dissented) to uphold the permits with revised plans as submitted by Permit Holder.

LIST OF PARTIES: Jim Reuben, attorney for permit holder; Kass McMahon-Kelly, agent for appellants.

PUBLIC COMMENT: (For Appellant's) Tomas Lee for Supervisor Ammiano said that the proposed revisions are reasonable and he supports them. Libby Kelly-McMahan said the neighbors' proposal would reduce the density and lower garage floor and project would meet ADA. Lisa Everson said it is critical to reduce height of buildings because site is on crest of hill, and she wants one story deleted. Erik Poole said the project will impact parking and there is a trash pile when they said would keep site clean. Marlo Contreras said permit holder had offered to maintain trees but rescinded offer. Guido Guinasso opposes project and supports neighbors' revisions. Elsie Aviles said she didn't realize the project would be 40 feet on the Mission side. (For Permit Holder) Patrick Spiers said the changes proposed by permit holder are huge concessions. Henry Falcon said the project is a big improvement over KFC. Joanne Desmond said permit holder followed rules and made concessions, and she supports it. John Kerly said his friend O'Donovon negotiated for many months and the project was always 40 feet. Dan Kerly spoke against the proposed revisions. Charles Breidinger is for the project because it creates 2 bedroom family-size units. Jean-Pierre Berthy said the project brings great value to neighborhood and that it's not fair to revise plans now. Jim Keith supports the project as is with no revisions. Thomas Egan spoke against the proposed revisions because it will lead to more appeals and create uncertainty. Robert Mellet opposes revisions and said an injustice was done to Shawn Gorman. John O'Connor said the permit holder acted in good faith and met with neighbors ten times. Fergus O'Sullivan said this appeal is not right and BOA should go forward. Gerry Keegan said the permit holder worked with neighbors, and that reducing height will reduce parking spaces. Brian McGee said the neighbors knew it would be 40 feet. Mark Brennan is for a good project to replace KFC. Dave O'Keeffe said it's not fair to penalize permit holder. Grace Shanahan said the proposed neighborhood revisions are outrageous and are proposed in bad faith. Angus McCarthy said the neighbors' issues have been dealt with. Richie Hart said the permit holder has abided by all rules and the permit should be upheld. Kieran Buckley said the project helps with the shortage of housing. Redmond Lyons said 40 feet is 40 feet and that it's ok in a transit corridor. Alice Barkley said she was not the attorney for permit holder, and that the revisions reduce massing and that 3-bedroom housing is needed in the City. Joe O'Donoghue said the architect didn't deceive anyone and that the permit holder's revisions provide substantial reduction.

(9) APPEAL NO. 04-130

HELENE deBAUBIGNY & JOHN GOLOB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2763 Filbert Street. Protesting the issuance on September 7, 2004, to Lock & Irene Holmes, Permit to Alter a Building (on single-family house: revisions to Building Permit Application No(s). 2003/08/18/2357 and 2000/05/23/0798; cut-in roof; provide windows for roof access; and one skylight, flat at sloped roof). APPLICATION NO. 2004/09/07/3487. PUBLIC HEARING HELD DEC. 8, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to uphold the permit.

LIST OF PARTIES: Lawrence Kornfield, DBI.

(10) APPEAL NO. 04-037

ANTHONY DUMONT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	155 Westwood Drive. Appealing a Notice of Decision by Dept. of Building Inspection Director Frank Chiu, dated April 19, 2004, revoking Building Permit Application No(s). 2003/05/19/4954, 2003/08/05/1263, and 2003/08/21/2731. Reason(s) for revocation: construction at the subject property exceeded the scope of the first two permits; and the third permit was issued in error due to false information supplied by the permit applicant. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to March 2, 2005 at the request of the parties.

SPEAKERS: None.

(11) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to March 2, 2005 at the request of the parties.

SPEAKERS: None.

(12) **APPEAL NO. 04-139**

NEIL & NEA HANSCOMB, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	7909-7911 Geary Boulevard. Protesting the issuance on September 24, 2004, to Paul Detimofeev, Permit to Alter a Building (on 2-unit residential building: add family room and 2 decks per plans). APPLICATION NO. 2001/06/08/1143. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Sugaya, the Board voted 5-0 to uphold the permit with the following conditions: (a) that an NSR be recorded limiting the building to 2-family use; and (b) that full detailed plans be submitted to the Planning Department.

SPEAKERS: Steve Williams, attorney for appellants; Paul Detimofeev, permit holder; Sue La, for permit holder.

(13) **APPEAL NO. 04-140**

ALICE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2549 Post Street. Protesting the issuance on September 24, 2004, to Paul Basaillon, Permit to Alter a Building (on 24-unit apartment building: remodeling top floor; change roof above living room). APPLICATION NO. 2004/09/24/5144. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to January 26, 2005.

LIST OF PARTIES: Alice Lam, appellant; Paul Basaillon, permit holder.

(14) **APPEAL NO. 04-143**

RICHARD & JULIE NEWBOLD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	515 – 17th Avenue. Protesting the issuance on September 24, 2004, to Heidi Wilcox & Farley Pearce, Permit to Alter a Building (on single-family house: convert ground floor storage room into family room with full bath; reconstruct outside stair from 2nd story to back yard; infill area below sunroom and reconstruct ½ bath). APPLICATION NO. 2004/09/24/5077. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (Commissioner Sugaya dissented) to uphold the permit with conditions: (a) that access from the street to the family room be through the garage; and (b) that the door from the kitchen on the 2nd floor which leads to the family room be removed.

LIST OF PARTIES: Julie Newbold, co-appellant; Farley Pearce, co-appellant; Lawrence Badiner, ZA; Laurence Kornfield, DBI; John Lau, agent for permit holder.

There being no further business, President Harrington adjourned the meeting at 10:47 p.m.

Robert H Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 19, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **ANNUAL ELECTION OF PRESIDENT & VICE PRESIDENT:**

(2) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(3) **COMMISSIONERS COMMENTS & QUESTIONS:**

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(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. V04-135**

STEPHAN SMITH & ALEX AGBAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	23 Eureka Street. Protesting the granting on September 24, 2004, to Holger Menendez (Subject Property Owners Nancy & Patrick Hamill), Rear Yard Variance (proposal is to raise by 5'-6" the rear building that encroaches into the required rear yard to create habitable area at the ground floor). VARIANCE CASE NO. 2004.0070V. FOR HEARING TODAY.

(6) **APPEAL NO. 04-152**

WYATT DAVID KAELIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	460 Noe Street. Protesting the issuance on October 9, 2004, to Gerald & Joanna Piazza, Permit to Remove & Replace Two (2) Trees. ORDER NO. 175,002. FOR HEARING TODAY.

(7) **APPEAL NO. 04-035**

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD AUG. 18, 2004. FOR FURTHER CONSIDERATION TODAY.

(8) **APPEAL NO. 04-132**

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. PUBLIC HEARING HELD & CLOSED ON DEC. 15, 2004. FOR FURTHER CONSIDERATION TODAY.

(9) **APPEAL NO. 04-119**

YIM HO & CHEUNG KAM LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: CLEMENT CHEUNG & PING WONG	331 Girard Street. Appealing the denial on September 3, 2004, of Permit to Alter a Building (on single-family house: repair fire damage; interior alteration; add one story plus rear addition; and one more unit). APPLICATION NO. 2003/12/01/1345S. FOR HEARING TODAY.

(10) **APPEAL NO. 04-120**

1776 SACRAMENTO STREET HOMEOWNER'S ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): AMERICAN BUDDHIST CULTURAL SOCIETY	1750 Van Ness Avenue. Appealing a determination dated August 30, 2004, addressed to Stephen Williams, that because Planning Code § 243(c)(8)(D) references use limits prescribed under § 243(c)(8)(A), and since § 243(c)(8)(A) specifically identifies "non-residential uses" to which the use limitation would be applicable, a use is considered nonconforming only when the ratio of specified residential uses to the specified non-residential uses is not met; and that those uses not specifically listed under "non-residential uses" and which do not meet the prescribed ratio would not be considered nonconforming uses provided they are permitted by the underlying zoning controls of the Van Ness Special Use District. FOR HEARING TODAY.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 04-147**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on October 1, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961). APPLICATION NO. 2004/10/01/5795. FOR HEARING TODAY.

(11B) **APPEAL NO. 04-174**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on November 12, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119). APPLICATION NO. 2004/11/12/9044. FOR HEARING TODAY.

ITEMS (12A), (12B) & (12C) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 04-146**

ANN FITZPATRICK, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3620 – 19th Street. Protesting a determination dated September 29, 2004, addressed to James Reuben at Reuben & Junius LLP, that the project (39-unit residential Planned Unit Development with 52 off-street parking spaces), as revised in 2004, and as presented to the Planning Commission on Sept. 9, 2004, is in substantial compliance with the plans dated June 18, 2001, which were reviewed and considered by the Board of Supervisors on June 25, 2001 (File 011224), and that a two-year extension for implementation of the project is warranted. FOR HEARING TODAY.

(12B) **APPEAL NO. 04-148**

EILEEN GOLD & SAANDRA NAZZAL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3620 – 19th Street. Protesting a determination dated September 29, 2004, addressed to James Reuben at Reuben & Junius LLP, that the project (39-unit residential Planned Unit Development with 52 off-street parking spaces), as revised in 2004, and as presented to the Planning Commission on Sept. 9, 2004, is in substantial compliance with the plans dated June 18, 2001, which were reviewed and considered by the Board of Supervisors on June 25, 2001 (File 011224), and that a two-year extension for implementation of the project is warranted. FOR HEARING TODAY.

(12C) **APPEAL NO. 04-149**

EARL BROWN & CORDELIA BROWN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3620 – 19th Street. Protesting a determination dated September 29, 2004, addressed to James Reuben at Reuben & Junius LLP, that the project (39-unit residential Planned Unit Development with 52 off-street parking spaces), as revised in 2004, and as presented to the Planning Commission on Sept. 9, 2004, is in substantial compliance with the plans dated June 18, 2001, which were reviewed and considered by the Board of Supervisors on June 25, 2001 (File 011224), and that a two-year extension for implementation of the project is warranted. FOR HEARING TODAY.

(13) **APPEAL NO. 04-151**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated October 6, 2004, addressed to Charles Marsteller, that a new conditional use (CU) application and variance application are required to modify this previously approved project (two-tower development containing 141 dwelling units with ground floor retail spaces, and a garage containing 51 automobile parking spaces, 40 bicycle spaces and 2 service vehicle loading spaces). FOR HEARING TODAY.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 04-153**

MIKE GARZA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1320 Wallace Street. Appealing a Notice of Violation dated October 1, 2004, addressed to Mike Garza & Victoria Thompson, that the subject property is being used as a junkyard in violation of the Planning Code since a junkyard is not a permitted use in the M-1 (light industrial) zoning district. FOR HEARING TODAY.

(14B) **APPEAL NO. 04-167**

MIKE GARZA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1320 Wallace Street. Appealing a Notice of Violation dated October 13, 2004, addressed to Mike Garza, that Building Permit Application No(s). 294836-1 to erect a one-story block wall and wood frame building expired in 1965; that a change in use from storage to auto salvage has occurred without a permit; that perimeter walls have been constructed out of CMU block wall, wood, and cyclone fencing to a height of 10-12 feet without permits or inspections; that walls lack lateral support and are leaning unsafely at the south, north and east property lines; that an opening in the wall is cracked; and that the building and property is unsafe. FOR HEARING TODAY.

(15) **APPEAL NO. 04-172**

PATRICIA & PHILIP KWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	110 Castanada Avenue. Protesting the issuance on November 10, 2004, to Michael Conley, Permit to Alter a Building (on single-family house: removal of concrete stairs on side of house; extension of wood staircase to platform at side door; addition of legal retaining wall with fence on top to comply with NOV). APPLICATION NO. 2004/11/10/8969. FOR HEARING TODAY.

ITEMS (16A) & (16B) SHALL BE HEARD TOGETHER:

(16A) **APPEAL NO. 04-177**

WILBERT WONG, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): CHRIS FOLEY	1234-1268 Grant Avenue. Protesting a determination dated November 8, 2004, addressed to Alice Barkley, that condition of approval no. 6 of Planning Commission Motion No. 10962, which limits the conditional restaurant use at the subject property to operation by Bruno Orsi and Lorenzo Petroni, is null and void; and that the conditional restaurant use has not been abandoned since the restaurant closure in Jan. 2001, and has in essence continued to be actively marketed as a restaurant. FOR HEARING TODAY.

(16B) **APPEAL NO. 04-183**

WILBERT WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1234-1268 Grant Avenue. Protesting the issuance on November 23, 2004, to Chris Foley, Permit to Alter a Building (non-load bearing partitions on 1st and 2nd floors). APPLICATION NO. 2004/11/23/9923. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 13th, 2005**

MEMBERS OF THE BOARD OF APPEALS

KATHLEEN HARRINGTON	**PRESIDENT**
HISASHI B. SUGAYA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 19, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Kathleen Harrington, Vice President Hisashi Sugaya, Commissioner Frank Fung, and Commissioner Randall Knox.

ABSENT: Commissioner Sabrina Saunders.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) ANNUAL ELECTION OF PRESIDENT & VICE PRESIDENT:

ACTION: Rescheduled to January 26, 2005.

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(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(3) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(4) ADDENDUM ITEMS: None.

(5) **APPEAL NO. V04-135**

STEPHAN SMITH & ALEX AGBAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	23 Eureka Street. Protesting the granting on September 24, 2004, to Holger Menendez (Subject Property Owners Nancy & Patrick Hamill), Rear Yard Variance (proposal is to raise by 5'-6" the rear building that encroaches into the required rear yard to create habitable area at the ground floor). VARIANCE CASE NO. 2004.0070V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to February 2, 2005 & for case to be first on the agenda.

SPEAKERS: Jak Marquez, attorney for appellants; Nancy Hamill, variance holder.

(6) **APPEAL NO. 04-152**

WYATT DAVID KAELIN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	460 Noe Street. Protesting the issuance on October 9, 2004, to Gerald & Joanna Piazza, Permit to Remove & Replace Two (2) Trees. ORDER NO. 175,002. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the permit.

SPEAKERS: Wyatt Kaelin, appellant; Tony Wolcott, DPW BUF; permit holder did not appear.

(7) **APPEAL NO. 04-035**

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD AUG. 18, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Vice President Sugaya, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to January 26, 2005 at the request of the parties.

SPEAKERS: None.

(8) **APPEAL NO. 04-132**

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. PUBLIC HEARING HELD & CLOSED ON DEC. 15, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Harrington, the Board voted 4-0-1 (Commissioner Saunders absent) to continue the hearing to January 26, 2005.

SPEAKERS: Jeremy Paul, agent for appellant.

(9) **APPEAL NO. 04-119**

YIM HO & CHEUNG KAM LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: CLEMENT CHEUNG & PING WONG	331 Girard Street. Appealing the denial on September 3, 2004, of Permit to Alter a Building (on single-family house: repair fire damage; interior alteration; add one story plus rear addition; and one more unit). APPLICATION NO. 2003/12/01/1345S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to February 2, 2005.

SPEAKERS: Jay Drake, attorney for appellants; Clement Cheung, Section 14 party.

(10) **APPEAL NO. 04-120**

1776 SACRAMENTO STREET HOMEOWNER'S ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): AMERICAN BUDDHIST CULTURAL SOCIETY	1750 Van Ness Avenue. Appealing a determination dated August 30, 2004, addressed to Stephen Williams, that because Planning Code § 243(c)(8)(D) references use limits prescribed under § 243(c)(8)(A), and since § 243(c)(8)(A) specifically identifies "non-residential uses" to which the use limitation would be applicable, a use is considered nonconforming only when the ratio of specified residential uses to the specified non-residential uses is not met; and that those uses not specifically listed under "non-residential uses" and which do not meet the prescribed ratio would not be considered nonconforming uses provided they are permitted by the underlying zoning controls of the Van Ness Special Use District. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to February 2, 2005.
SPEAKERS: Alice Barkley, attorney for subject property owner.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 04-147**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on October 1, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961). APPLICATION NO. 2004/10/01/5795. FOR HEARING TODAY.

(11B) **APPEAL NO. 04-174**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on November 12, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119). APPLICATION NO. 2004/11/12/9044. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to January 26, 2005 at the request of the parties.

SPEAKERS: None.

ITEMS (12A), (12B) & (12C) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 04-146**

ANN FITZPATRICK, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3620 – 19th Street. Protesting a determination dated September 29, 2004, addressed to James Reuben at Reuben & Junius LLP, that the project (39-unit residential Planned Unit Development with 52 off-street parking spaces), as revised in 2004, and as presented to the Planning Commission on Sept. 9, 2004, is in substantial compliance with the plans dated June 18, 2001, which were reviewed and considered by the Board of Supervisors on June 25, 2001 (File 011224), and that a two-year extension for implementation of the project is warranted. FOR HEARING TODAY.

(12B) **APPEAL NO. 04-148**

EILEEN GOLD & SAANDRA NAZZAL, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3620 – 19th Street. Protesting a determination dated September 29, 2004, addressed to James Reuben at Reuben & Junius LLP, that the project (39-unit residential Planned Unit Development with 52 off-street parking spaces), as revised in 2004, and as presented to the Planning Commission on Sept. 9, 2004, is in substantial compliance with the plans dated June 18, 2001, which were reviewed and considered by the Board of Supervisors on June 25, 2001 (File 011224), and that a two-year extension for implementation of the project is warranted. FOR HEARING TODAY.

(12C) **APPEAL NO. 04-149**

EARL BROWN & CORDELIA BROWN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3620 – 19th Street. Protesting a determination dated September 29, 2004, addressed to James Reuben at Reuben & Junius LLP, that the project (39-unit residential Planned Unit Development with 52 off-street parking spaces), as revised in 2004, and as presented to the Planning Commission on Sept. 9, 2004, is in substantial compliance with the plans dated June 18, 2001, which were reviewed and considered by the Board of Supervisors on June 25, 2001 (File 011224), and that a two-year extension for implementation of the project is warranted. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-2-1 (Commissioner Knox & Vice President Sugaya dissented, Commissioner Saunders absent) to uphold the determination with a finding that the ZA abused his discetion when he determined that the westside interior units' west facing 2nd floor (bedroom) windows were in compliance with the plans approved by the Board of Supervisors on 6/25/01. Four votes being required to modify a departmental action under Charter Sec. 4.106, the motion failed, and the subject determination was upheld with no findings.

SPEAKERS: Jonas Ionin, PD; Ann Fitzpatrick, appellant; Eileen Gold, appellant; Sandra Nazzal, appellant; Earl Brown, appellant; Jim Reuben, attorney for determination holder; Leo McFadden, DBI.

PUBLIC COMMENT: (For Appellants) Kay Holmes opposes project because issues have been misrepresented, and the revised plans do not conform to conditions imposed by Commission and Supervisors and a building that was supposed to be reduced in size has been enlarged via revised plans. Bill Summers said 21 apartments that abut will lose fire egress. Karen Hones said the project will cause a change in life of neighbors and loss of light to their properties. Virgina Prior said fire safety issue is important, and that fire trucks won't be able to get to the center of the property. Dan Gundlach said the current owner claims the project has community support but hasn't got it all. (For Determination Holder) Jan Neufeld is in total support of project because the lot has been exposed for years and revised plans make the project better.

(13) **APPEAL NO. 04-151**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated October 6, 2004, addressed to Charles Marsteller, that a new conditional use (CU) application and variance application are required to modify this previously approved project (two-tower development containing 141 dwelling units with ground floor retail spaces, and a garage containing 51 automobile parking spaces, 40 bicycle spaces and 2 service vehicle loading spaces). FOR HEARING TODAY.

ACTION: Upon motion by President Harrington, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule the hearing to March 30, 2005 at the request of the parties.

SPEAKERS: None.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 04-153**

MIKE GARZA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1320 Wallace Street. Appealing a Notice of Violation dated October 1, 2004, addressed to Mike Garza & Victoria Thompson, that the subject property is being used as a junkyard in violation of the Planning Code since a junkyard is not a permitted use in the M-1 (light industrial) zoning district. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-1-1 (President Harrington dissented, Commissioner Saunders absent) to uphold the subject notice of violation.

SPEAKERS: Jonas Ionin, PD; Michela Auchter, OCA; Leo McFadden, DBI; Mike Garza, appellant.

(14B) **APPEAL NO. 04-167**

MIKE GARZA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1320 Wallace Street. Appealing a Notice of Violation dated October 13, 2004, addressed to Mike Garza, that Building Permit Application No(s). 294836-1 to erect a one-story block wall and wood frame building expired in 1965; that a change in use from storage to auto salvage has occurred without a permit; that perimeter walls have been constructed out of CMU block wall, wood, and cyclone fencing to a height of 10-12 feet without permits or inspections; that walls lack lateral support and are leaning unsafely at the south, north and east property lines; that an opening in the wall is cracked; and that the building and property is unsafe. FOR HEARING TODAY.

ACTION: Dismissed for lack of subject matter jurisdiction, and appellant shall have his filing fee refunded.

(15) **APPEAL NO. 04-172**

PATRICIA & PHILIP KWAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	110 Castanada Avenue. Protesting the issuance on November 10, 2004, to Michael Conley, Permit to Alter a Building (on single-family house: removal of concrete stairs on side of house; extension of wood staircase to platform at side door; addition of legal retaining wall with fence on top to comply with NOV). APPLICATION NO. 2004/11/10/8969. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the permit.

LIST OF PARTIES: Patricia Kwan, appellant; Michael Conley, permit holder; Jonis Ionin, PD.

ITEMS (16A) & (16B) SHALL BE HEARD TOGETHER:

(16A) **APPEAL NO. 04-177**

WILBERT WONG, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): CHRIS FOLEY	1234-1268 Grant Avenue. Protesting a determination dated November 8, 2004, addressed to Alice Barkley, that condition of approval no. 6 of Planning Commission Motion No. 10962, which limits the conditional restaurant use at the subject property to operation by Bruno Orsi and Lorenzo Petroni, is null and void; and that the conditional restaurant use has not been abandoned since the restaurant closure in Jan. 2001, and has in essence continued to be actively marketed as a restaurant. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Sugaya, the Board voted 2-2-1 (President Harrington and Commissioner Fung dissented, Commissioner Saunders absent) to reschedule the hearing to January 26, 2005. 3 votes being required to reschedule a matter, the motion failed. Afterwards, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to reschedule to the matter to the Call of the Chair.

(16B) **APPEAL NO. 04-183**

WILBERT WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1234-1268 Grant Avenue. Protesting the issuance on November 23, 2004, to Chris Foley, Permit to Alter a Building (non-load bearing partitions on 1st and 2nd floors). APPLICATION NO. 2004/11/23/9923. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the permit on condition that the Notice of Special Restrictions (NSR) as presented by both parties at the hearing be recorded on the land records.

LIST OF PARITES: Rebecca Bedwell-Coll, attorney for appellant; Alice Barley, attorney for subject property owner/permit holder.

There being no further business, President Harrington adjourned the meeting at 8:24 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 26, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) ANNUAL ELECTION OF OFFICERS:

(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(3) COMMISSIONERS COMMENTS & QUESTIONS:

(4) ADDENDUM ITEMS:

(4A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 602-604 Noe Street . Permit issued on October 26, 2004. Last day to appeal was Nov. 10, 2004. Jurisdiction request received on Jan. 6, 2005. Letter from Raquel Fox, attorney for Gerard Voiland, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/05/29/5714S. Permit Holder(s): David Hale. Project: on a 2-unit residential / commercial building; remodel the roof of a 2-story wood frame building; remove the existing roof framing; add new floor framing; and construction of new 3rd floor.

(5) APPEAL NO. 03-154

ULYSSES NAPURI dba "LAST STOP SOUVENIR", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED ON 9/17/2003. PUBLIC HEARING HELD ON 12/10/2003. FOR FURTHER CONSIDERATION TODAY.

(6) APPEAL NO. 04-035

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD AUG. 18, 2004. FOR FURTHER CONSIDERATION TODAY.

(7) APPEAL NO. 04-132

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. PUBLIC HEARING HELD & CLOSED ON DEC. 15, 2004. FOR FURTHER CONSIDERATION TODAY.

(8) APPEAL NO. 04-066

JAMIE YUEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 10, 2004, of medallion no(s). 1100. RESOLUTION NO. 2004-31. FOR HEARING TODAY.

(9) APPEAL NO. 04-073

DIANE COHEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 18, 2004, of medallion no(s). 1147. RESOLUTION NO. 2004-37. FOR HEARING TODAY.

(10) APPEAL NO. 04-122

BORIS SHAMIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension on September 1, 2004, of a Driver of Public Passenger Vehicle For Hire Permit. PERMIT NO. 055382. RESOLUTION NO. 2004-48. FOR HEARING TODAY.

(11) APPEAL NO. 04-068

TERRANCE FORGETTE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	239 Greenwich Street. Appealing the suspension on June 15, 2004, of Building Permit Application No(s). 2003/10/06/6615. Reason(s) for suspension: the project (stair reconstruction) requires a Certificate of Appropriateness and thus was approved in error by the Planning Department. FOR HEARING TODAY.

(12) APPEAL NO. 04-075

MICHAEL RABBITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	141 Willard Street North. Appealing the denial on July 8, 2004 of Permit to Erect a Building (4-story, 2-unit building with 1,862sf of ground floor area). APPLICATION NO. 2003/05/22/5280S. FOR HEARING TODAY. **Note:** On December 8, 2004, the Board voted 5-0 to overrule the Planning Commission's denial of the demolition permit, and grant the demolition permit on condition that it be held in abeyance until the permit for the replacement structure is approved.

ITEMS (13A) & (13B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 04-105**

MITCHELL SCHOENBRUN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1401-1409 Castro Street. Protesting the issuance on August 2, 2004, to Isa Muhawieh, Permit to Alter a Building (on apartment building with commercial: storage room into laundry room at ground floor). APPLICATION NO. 2004/08/02/0401. FOR HEARING TODAY.

(13B) **APPEAL NO. 04-166**

MITCHELL SCHOENBRUN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1401-1409 Castro St. & 395 Jersey St. Appealing a revised determination dated October 20, 2004, addressed to Mitchell Schoenbrun, which reiterates the determination of October 13, 2004, and adds the following: that the permit history for the subject property is limited and provides no clear evidence that the space at 1401 Castro Street was legally subdivided to create 1403 Castro Street with a dwelling unit contained therein. FOR HEARING TODAY.

(14) **APPEAL NO. 04-110**

KERI EVILSIZOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	137-139 Cook Street. Protesting the issuance on August 4, 2004, to Joseph Tierney, Permit to Alter a Building (on 2-unit building: raise building to create new garage in existing basement; and add new 3rd floor unit). APPLICATION NO. 2002/06/07/8509S. FOR HEARING TODAY.

(15) **APPEAL NO. 04-140**

ALICE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2549 Post Street. Protesting the issuance on September 24, 2004, to Paul Basaillon, Permit to Alter a Building (on 24-unit apartment building: remodeling top floor; change roof above living room). APPLICATION NO. 2004/09/24/5144. FOR HEARING TODAY.

ITEMS (16A) & (16B) SHALL BE HEARD TOGETHER:

(16A) **APPEAL NO. 04-147**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on October 1, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961). APPLICATION NO. 2004/10/01/5795. FOR HEARING TODAY.

(16B) **APPEAL NO. 04-174**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on November 12, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119). APPLICATION NO. 2004/11/12/9044. FOR HEARING TODAY.

(17) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 20th, 2005**

MEMBERS OF THE BOARD OF APPEALS

KATHLEEN HARRINGTON	PRESIDENT
HISASHI B. SUGAYA	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RANDALL KNOX	COMMISSIONER
SABRINA N. SAUNDERS	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Donna Hall, Sunshine Ordinance Task Force, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683, Phone (415) 554-7724, fax (415) 554-7854, and e-mail Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library, and on the City's website at www.ci.sf.ca.us/bdsupvrs/sunshine.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 2, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

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(1) ANNUAL ELECTION OF OFFICERS:

(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

01-23-05A11:17 RCVD

(3) COMMISSIONERS COMMENTS & QUESTIONS:

(4) INCOMPATIBLE ACTIVITES STATEMENT:

Public hearing, discussion and adoption of the Board of Appeals' Incompatible Activities Statement as required by the San Francisco Campaign and Governmental Conduct Code § 3.218. Copies are available at the Board office. Please address comments to Executive Secretary Robert Feldman, Board of Appeals, 1660 Mission Street #3036, SF, CA 94103. Telephone (415) 575-6880, fax (415) 575-6885, or email at robert.feldman@sfgov.org.

(5) ADDENDUM ITEMS: None.

(6) APPEAL NO. V04-135

STEPHAN SMITH & ALEX AGBAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	23 Eureka Street. Protesting the granting on September 24, 2004, to Holger Menendez (Subject Property Owners Nancy & Patrick Hamill), Rear Yard Variance (proposal is to raise by 5'-6" the rear building that encroaches into the required rear yard to create habitable area at the ground floor). VARIANCE CASE NO. 2004.0070V. FOR HEARING TODAY.

(7) **APPEAL NO. 04-162**

PATTY LOO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	19 Loyola Terrace. Appealing the conditions placed on a Permit to Remove and Replace One (1) Tree. ORDER NO. 174,999. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 04-147**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on October 1, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961). APPLICATION NO. 2004/10/01/5795. FOR HEARING TODAY.

(8B) **APPEAL NO. 04-174**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on November 12, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119). APPLICATION NO. 2004/11/12/9044. FOR HEARING TODAY.

(9) **APPEAL NO. 03-154**

ULYSSES NAPURI dba "LAST STOP SOUVENIR", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED ON 9/17/2003. PUBLIC HEARING HELD ON 12/10/2003. FOR FURTHER CONSIDERATION TODAY.

(10) **APPEAL NO. 04-076**

JOHN & LESLIE WOODWARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	65 Caselli Avenue. Protesting the issuance on June 30, 2004, to Stewart Oaten, Permit to Alter a Building (on 2-unit building: replace existing deck, extend approximately 4'0" and new stairs). APPLICATION NO. 2004/06/30/7682. PUBLIC HEARING HELD ON 12/01/2004. FOR FURTHER CONSIDERATION TODAY.

(11) **APPEAL NO. 04-132**

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. PUBLIC HEARING CLOSED ON 12/15/2004. FOR FURTHER CONSIDERATION TODAY.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 04-105**

MITCHELL SCHOENBRUN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1401-1409 Castro Street. Protesting the issuance on August 2, 2004, to Isa Muhawieh, Permit to Alter a Building (on apartment building with commercial: storage room into laundry room at ground floor). APPLICATION NO. 2004/08/02/0401. FOR HEARING TODAY.

(12B) **APPEAL NO. 04-166**

MITCHELL SCHOENBRUN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Prop. Owner(s): ISA MUHAWIEH	1401-1409 Castro St. & 395 Jersey St. Appealing a revised determination dated October 20, 2004, addressed to Mitchell Schoenbrun, which reiterates the determination of October 13, 2004, and adds the following: that the permit history for the subject property is limited and provides no clear evidence that the space at 1401 Castro Street was legally subdivided to create 1403 Castro Street with a dwelling unit contained therein. FOR HEARING TODAY.

(13) **APPEAL NO. 04-119**

YIM HO & CHEUNG KAM LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: CLEMENT CHEUNG & PING WONG	331 Girard Street. Appealing the denial on September 3, 2004, of Permit to Alter a Building (on single-family house: repair fire damage; interior alteration; add one story plus rear addition; and one more unit). APPLICATION NO. 2003/12/01/1345S. FOR HEARING TODAY.

(14) **APPEAL NO. 04-120**

1776 SACRAMENTO STREET HOMEOWNER'S ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): AMERICAN BUDDHIST CULTURAL SOCIETY	1750 Van Ness Avenue. Appealing a determination dated August 30, 2004, addressed to Stephen Williams, that because Planning Code § 243(c)(8)(D) references use limits prescribed under § 243(c)(8)(A), and since § 243(c)(8)(A) specifically identifies "non-residential uses" to which the use limitation would be applicable, a use is considered nonconforming only when the ratio of specified residential uses to the specified non-residential uses is not met; and that those uses not specifically listed under "non-residential uses" and which do not meet the prescribed ratio would not be considered nonconforming uses provided they are permitted by the underlying zoning controls of the Van Ness Special Use District. FOR HEARING TODAY.

(15) **APPEAL NO. 04-140**

ALICE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2549 Post Street. Protesting the issuance on September 24, 2004, to Paul Basaillon, Permit to Alter a Building (on 24-unit apartment building: remodeling top floor; change roof above living room). APPLICATION NO. 2004/09/24/5144. FOR HEARING TODAY.

(16) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. FOR HEARING TODAY.

(17) **APPEAL NO. 04-163**

J.A.W. CLAYES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	2721 Pacific Avenue. Appealing the denial on October 20, 2004, of Permit to Alter a Building (on 2-unit residential building: remove stove (kitchen) & gas access from lower level (ground level); "maid's apartment"; non structural). APPLICATION NO. 2004/07/09/8394. FOR HEARING TODAY.

(18) **APPEAL NO. 04-164**

RICHARD BUCKLEY & ROBERT BENTEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	2998 – 22nd Avenue. Protesting the issuance on October 18, 2004, to Karen Wong, Permit to Alter a Building (on single-family house: interior modification to existing building; rear addition to 11 feet long; vertical addition of 3rd story). APPLICATION NO. 2001/10/09/0234S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 27th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 2, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting President Hisashi Sugaya, Acting Vice President Sabrina Saunders, Commissioner Frank Fung, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) ANNUAL ELECTION OF OFFICERS:

ACTION: Upon motion by Vice President Sugaya, the Board voted 4-0 to name Sabrina Saunders Acting Vice President, with Hisashi Sugaya as Acting President.

DOCUMENTS DEPT.
JUL 18 2005
SAN FRANCISCO
PUBLIC LIBRARY

(2) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Carl MacMurdo, Brett Gladstone and Jonas Ionin congratulated new officers.

(3) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(4) INCOMPATIBLE ACTIVITES STATEMENT:

Public hearing, discussion and adoption of the Board of Appeals' Incompatible Activities Statement as required by the San Francisco Campaign and Governmental Conduct Code § 3.218. Copies are available at the Board office. Please address comments to Executive Secretary Robert Feldman, Board of Appeals, 1660 Mission Street #3036, SF, CA 94103. Telephone (415) 575-6880, fax (415) 575-6885, or email at robert.feldman@sfgov.org.

ACTION: Upon motion Commissioner Fung, the Board voted 4-0 to approve the statement with City Attorney's amendments.

SPEAKERS: None.

(5) **ADDENDUM ITEMS:** None.

(6) APPEAL NO. V04-135

STEPHAN SMITH & ALEX AGBAY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	23 Eureka Street. Protesting the granting on September 24, 2004, to Holger Menendez (Subject Property Owners Nancy & Patrick Hamill), Rear Yard Variance (proposal is to raise by 5'-6" the rear building that encroaches into the required rear yard to create habitable area at the ground floor). VARIANCE CASE NO. 2004.0070V. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 4-0 to uphold the variance.

LIST OF SPEAKERS: Jak Marquez, attorney for appellants; Jonis Ionin, PD; Nancy Hamill, co-variance holder.

PUBLIC COMMENT: (For Appellants) Paul Trombley supports appeal although few neighbors will be affected but the appellants' windows will be blocked. Jay Hutchinson says his sunlight will be impacted. Amanda Powers said she lives upstairs and read a letter in support of project. (For Variance Holders) Jim Simpson said the project won't affect anyone's sunlight and he supports it

(7) APPEAL NO. 04-162

PATTY LOO, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	19 Loyola Terrace. Appealing the conditions placed on a Permit to Remove and Replace One (1) Tree. ORDER NO. 174,999. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Commissioner Knox dissented) to overrule the 36" box condition & impose a 15-gallon requirement instead.

LIST OF SPEAKERS: Carla Short, DPW BUF; Patty Loo, appellant; D. K. Loo, son of appellant.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 04-147**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on October 1, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961). APPLICATION NO. 2004/10/01/5795. FOR HEARING TODAY.

(8B) **APPEAL NO. 04-174**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on November 12, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119). APPLICATION NO. 2004/11/12/9044. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to continue the hearing to February 16, 2005.

LIST OF SPEAKERS: Esther Lau, appellant; Clint Callan, attorney for permit holders; Lawrence Kornfield, DBI.

PUBLIC COMMENT: (For Appellant) Jose Dearason said this is a friendly neighborhood and will remain one so long as the Board is fair to neighbors. Mike Sham read a letter from neighbors in support of the appeals. Anastasia Mandrusson said she supports the appeals. Ken Lim read a letter from neighbors and said he finds the owner's behavior disheartening. Jessica Lester also read letters from neighbors supporting the appeals.

(9) **APPEAL NO. 03-154**

ULYSSES NAPURI dba "LAST STOP SOUVENIR", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED ON 9/17/2003. PUBLIC HEARING HELD ON 12/10/2003. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board 4-0 to continue the matter to April 6, 2005 at the request of the appellant.

LIST OF SPEAKERS: John Kwong, DPW BSM.

(10) **APPEAL NO. 04-076**

JOHN & LESLIE WOODWARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	65 Caselli Avenue. Protesting the issuance on June 30, 2004, to Stewart Oaten, Permit to Alter a Building (on 2-unit building: replace existing deck, extend approximately 4'0" and new stairs). APPLICATION NO. 2004/06/30/7682. PUBLIC HEARING HELD ON 12/01/2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1 (Commissioner Knox dissented) to uphold the permit with conditions: (a) that all portions which require a variance be removed; and (b) that the railings be as transparent as possible.

LIST OF PARTIES: Jonas Ionin, PD; Leslie Wordward, co-appellant; Lawrence Kornfield, DBI; Stewart Oaten, permit holder.

(11) **APPEAL NO. 04-132**

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. PUBLIC HEARING CLOSED ON 12/15/2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1(Acting President Sugaya dissented) to overrule the determination with a finding that the current use is not office use, and instead resembles an arts activity under Planning Code.

LIST OF SPEAKERS: Jonas Ionin, PD; Jeremy Paul, agent for appellant.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 04-105**

MITCHELL SCHOENBRUN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1401-1409 Castro Street. Protesting the issuance on August 2, 2004, to Isa Muhawieh, Permit to Alter a Building (on apartment building with commercial: storage room into laundry room at ground floor). APPLICATION NO. 2004/08/02/0401. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0 to uphold the permit.

(12B) **APPEAL NO. 04-166**

MITCHELL SCHOENBRUN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Prop. Owner(s): ISA MUHAWIEH	1401-1409 Castro St. & 395 Jersey St. Appealing a revised determination dated October 20, 2004, addressed to Mitchell Schoenbrun, which reiterates the determination of October 13, 2004, and adds the following: that the permit history for the subject property is limited and provides no clear evidence that the space at 1401 Castro Street was legally subdivided to create 1403 Castro Street with a dwelling unit contained therein. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0 to uphold the determination.

LIST OF SPEAKERS: Jonas Ionin, PD; Mitchell Schoenburn, appellant; Steven MacDonald, attorney for permit holder & SPO; Lawrence Kornfield, DBI.

PUBLIC COMMENT (12A & 12B): (For Appellant) Peter Gass said the use has always been three dwellings and a business. George Noonan said it has always been a residence and he is in favor of the appeal. (For Permit Holder) Tony Ferri said there was no trouble until the Ellis Act passed and was enforced. Cathy Scarborough said there were no problems for tenants until the Ellis Act. Lori Koon said she's worked for permit holder for fifteen years and opposes appeal because she needs a job. Jo Anne Lewin said she is for permit holder because he is fair and honest. Jack Murray said the documents submitted by appellant seemed to have been altered.

(13) **APPEAL NO. 04-119**

YIM HO & CHEUNG KAM LEUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: CLEMENT CHEUNG & PING WONG	331 Girard Street. Appealing the denial on September 3, 2004, of Permit to Alter a Building (on single-family house: repair fire damage; interior alteration; add one story plus rear addition; and one more unit). APPLICATION NO. 2003/12/01/1345S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to overrule denial & grant permit with adoption of revised plans dated 1/28/05 as submitted by the appellants.

LIST OF SPEAKERS: Jonas Ionin, PD; Jay Drake, attorney for appellants; Clement Cheung and Ping Wong, Section 14 Parties.

(14) **APPEAL NO. 04-120**

1776 SACRAMENTO STREET HOMEOWNER'S ASSOCIATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): AMERICAN BUDDHIST CULTURAL SOCIETY	1750 Van Ness Avenue. Appealing a determination dated August 30, 2004, addressed to Stephen Williams, that because Planning Code § 243(c)(8)(D) references use limits prescribed under § 243(c)(8)(A), and since § 243(c)(8)(A) specifically identifies "non-residential uses" to which the use limitation would be applicable, a use is considered nonconforming only when the ratio of specified residential uses to the specified non-residential uses is not met; and that those uses not specifically listed under "non-residential uses" and which do not meet the prescribed ratio would not be considered nonconforming uses provided they are permitted by the underlying zoning controls of the Van Ness Special Use District. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0 to uphold the determination.

LIST OF SPEAKERS: Stephen Williams, attorney for appellant; Alice Barkley, attorney for subject property owner; Jonas Ionin, PD.

PUBLIC COMMENT: None.

(15) **APPEAL NO. 04-140**

ALICE LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2549 Post Street. Protesting the issuance on September 24, 2004, to Paul Basaillon, Permit to Alter a Building (on 24-unit apartment building: remodeling top floor; change roof above living room). APPLICATION NO. 2004/09/24/5144. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to uphold the permit on condition that construction be limited from 7am to 7 pm, 6 days a week.

LIST OF SPEAKERS: Alice Lam, appellant; Paul Basaillon, permit holder; Lawrence Kornfield, DBI.

(16) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 4-0 to reschedule the hearing to February 23, 2005 at the request of the parties.

SPEAKERS: None.

(17) **APPEAL NO. 04-163**

J.A.W. CLAYES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	2721 Pacific Avenue. Appealing the denial on October 20, 2004, of Permit to Alter a Building (on 2-unit residential building: remove stove (kitchen) & gas access from lower level (ground level); "maid's apartment"; non structural). APPLICATION NO. 2004/07/09/8394. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-1 (Commissioner Fung dissented) to overturn denial with conditions as presented by appellant's attorney, and for those conditions to be listed on a Notice of Special Restrictions (NSR) to be recorded on the land records.

LIST OF SPEAKERS: Jonas Ionin, PD; Brett Gladstone, attorney for appellant; Laurence Kornfield, DBI.

(18) **APPEAL NO. 04-164**

RICHARD BUCKLEY & ROBERT BENTEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	2998 – 22nd Avenue. Protesting the issuance on October 18, 2004, to Karen Wong, Permit to Alter a Building (on single-family house: interior modification to existing building; rear addition to 11 feet long; vertical addition of 3rd story). APPLICATION NO. 2001/10/09/0234S. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 4-0 to uphold the permit.

LIST OF SPEAKERS: Robert Bentel, co-appellant; Richard Buckley, co-appellant; Jeremy Paul, agent for permit holder.

There being no further business, Acting President Sugaya adjourned the meeting at 11:13 p.m.

Robert H Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 16, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) **SPECIAL ITEM**: **Proposed departmental annual budget for fiscal year 2005-2006.** For public hearing, discussion and adoption.

02-10-05P02:59 RCVD

(4) ADDENDUM ITEMS:

(4A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1401 Folsom Street. Permit issued on Nov. 12, 2004. Last day to appeal was Nov. 29, 2004. Jurisdiction request received on Jan. 21, 2005. Letter from Tony Leones, attorney for Viacom Outdoor Inc., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/06/08/5840. Permit Holder(s): Violet Taaffe. Project: 14'-0" X 48'-0" freestanding sign, general advertising, single face, sign replacement.

(4B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2599 San Bruno Avenue. Permit issued on Dec. 13, 2004. Last day to appeal was Dec. 28, 2004. Jurisdiction request received on Jan. 21, 2005. Letter from Tony Leones, attorney for Viacom Outdoor Inc., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/08/25/2480. Permit Holder(s): Advertising Display Systems. Project: replacement of previously approved free standing general advertising sign, (permit no. 252656, May 24, 1963), 45'-0" to bottom of sign.

(4C) **REHEARING REQUESTS:**

Subject property at 4001 Mission Street and 8 Murray Street. Letter from Otto Wiegand, appellant, requesting rehearing of Appeal No(s). 04-094 & 04-102, decided January 12, 2005. At that time, upon motion by President Harrington, the Board voted 4-1 (Vice President Sugaya dissented) to uphold the subject permits with revised plans as submitted by the permit holder. Project: 1st permit at 4001 Mission Street, 4-story, 3-unit condominium building. Project: 2nd permit at 8 Murray Street, 4-story, 3-unit condominium building. Permit Holder(s): James O'Donovan.

(4D) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 3321 – 20th Street. Variance denied on January 5, 2005. Last day to appeal was Jan. 18, 2005. Jurisdiction request received on Jan. 26, 2005. Letter from Kaushik Dattani, requestor(s), asking that the Board take jurisdiction over variance decision no. 2004.0624V (denial of rear yard variance for construction of a two-story addition on top of an existing building).

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 04-147**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on October 1, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961). APPLICATION NO. 2004/10/01/5795. PUBLIC HEARING HELD FEB. 2, 2004. FOR FURTHER CONSIDERATION TODAY.

(5B) **APPEAL NO. 04-174**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on November 12, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119). APPLICATION NO. 2004/11/12/9044. PUBLIC HEARING HELD FEB. 2, 2004. FOR FURTHER CONSIDERATION TODAY.

(6) **APPEAL NO. 04-165**

THANH NGO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	495 Country Club Drive. Protesting the issuance on October 19, 2004, to Thomas Ngai, Permit to Alter a Building (on single-family house: to erect a 6' fence with 12" lattice section; to complete a 7' high fence on 3 sides and to comply with NOV). APPLICATION NO. 2004/10/19/7124. FOR HEARING TODAY.

(7) **APPEAL NO. 04-168**

DANIEL ORTEGA & CANDACE HAMILTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	650 – 20th Avenue. Protesting the issuance on October 26, 2004, to Raymond Lui & Amy Leung, Permit to Alter a Building (two units on 2nd floor to be converted to one unit). APPLICATION NO. 2004/09/22/4914. FOR HEARING TODAY.

(8) **APPEAL NO. 04-171**

FRED BULLOCK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	567 Sanchez Street. Protesting the issuance on October 29, 2004, to Ed Hardy, Permit to Erect a Building (3-story single-family house with 1,168sf of ground floor area). APPLICATION NO. 2002/07/31/2759. FOR HEARING TODAY.

(9) **APPEAL NO. 04-207**

MARK WELCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3016 Pine Street. Protesting the issuance on December 14, 2004, to Ray Steffen, Site Permit to Alter a Building (on single-family house: horizontal and vertical addition; add decks, enlarge kitchen, add bedrooms and bathrooms). APPLICATION NO. 2004/01/29/5170S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 10th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**
SABRINA N. SAUNDERS	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 16, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting President Hisashi Sugaya, Acting Vice President Sabrina Saunders, Commissioner Frank Fung, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT**:

> At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS**:

SPEAKERS: None.

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(3) **SPECIAL ITEM**: **Proposed departmental annual budget for fiscal year 2005-2006**. For public hearing, discussion and adoption.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0 to adopt the budget.

PUBLIC COMMENT: None.

(4) ADDENDUM ITEMS:

(4A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1401 Folsom Street. Permit issued on Nov. 12, 2004. Last day to appeal was Nov. 29, 2004. Jurisdiction request received on Jan. 21, 2005. Letter from Tony Leones, attorney for Viacom Outdoor Inc., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/06/08/5840. Permit Holder(s): Violet Taaffe. Project: 14'-0" X 48'-0" freestanding sign, general advertising, single face, sign replacement.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-2 (Acting Vice President Saunders and Commissioner Knox dissented) to deny jurisdiction. Jurisdiction denied.

LIST OF SPEAKERS: Anthony Leones, attorney for requestor; Ilene Dick, attorney for permit holder; Jonas Ionin, PD.

(4B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2599 San Bruno Avenue. Permit issued on Dec. 13, 2004. Last day to appeal was Dec. 28, 2004. Jurisdiction request received on Jan. 21, 2005. Letter from Tony Leones, attorney for Viacom Outdoor Inc., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/08/25/2480. Permit Holder(s): Advertising Display Systems. Project: replacement of previously approved free standing general advertising sign, (permit no. 252656, May 24, 1963), 45'-0" to bottom of sign.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-2 (Acting Vice President Saunders and Commissioner Knox dissented) to deny jurisdiction. Jurisdiction denied.

LIST OF SPEAKERS: Anthony Leones, attorney for requestor; Ilene Dick, attorney for permit holder; Jonas Ionin, PD.

(4C) REHEARING REQUESTS:

Subject property at 4001 Mission Street and 8 Murray Street. Letter from Otto Wiegand, appellant, requesting rehearing of Appeal No(s). 04-094 & 04-102, decided January 12, 2005. At that time, upon motion by President Harrington, the Board voted 4-1 (Vice President Sugaya dissented) to uphold the subject permits with revised plans as submitted by the permit holder. Project: 1st permit at 4001 Mission Street, 4-story, 3-unit condominium building. Project: 2nd permit at 8 Murray Street, 4-story, 3-unit condominium building. Permit Holder(s): James O'Donovan.

ACTION: Upon motion by Acting President Sugaya, the Board voted 4-0 to deny the Requests for Rehearing.

LIST OF SPEAKERS: Jay Ach, agent for appellants; Andrew Junius, attorney for permit holder.

PUBLIC COMMENT: (For Appellants) Guido Guinasso said the revisions negotiated with the ZA should be imposed. Libby Kelly-McMahon said revisions negotiated should be imposed or else the offer was not in good faith. Kass McMahon-Kelly also said the negotiated revisions should count. James Aylward said the trees promised for the terrace to blend project into neighborhood and to give privacy have not yet been planted. (For Permit Holder) Joe O'Donoghue said nothing has been offered that would justify granting a rehearing.

(4D) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 3321 – 20th Street. Variance denied on January 5, 2005. Last day to appeal was Jan. 18, 2005. Jurisdiction request received on Jan. 26, 2005. Letter from Kaushik Dattani, requestor(s), asking that the Board take jurisdiction over variance decision no. 2004.0624V (denial of rear yard variance for construction of a two-story addition on top of an existing building).

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-1 (Commissioner Fung dissented) to grant jurisdiction. Jurisdiction granted.

LIST OF SPEAKERS: Jeremy Paul, agent for requestor.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 04-147**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on October 1, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961). APPLICATION NO. 2004/10/01/5795. PUBLIC HEARING HELD FEB. 2, 2004. FOR FURTHER CONSIDERATION TODAY.

(5B) **APPEAL NO. 04-174**

ESTHER LAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	454 – 17th Avenue. Protesting the issuance on November 12, 2004, to Curt Sigfstead & Lara Witter, Permit to Alter a Building (on single-family house: dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119). APPLICATION NO. 2004/11/12/9044. PUBLIC HEARING HELD FEB. 2, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to uphold the permits on condition that the permit holder acoustically treat the bathroom for appropriate sound isolation as required for new condominiums under the Building Code.

LIST OF SPEAKERS: Lawrence Kornfield, DBI; Esther Lau, appellant; John Callan, attorney for permit holders; Curt Sigfstead, co-permit holder.

(6) **APPEAL NO. 04-165**

THANH NGO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	495 Country Club Drive. Protesting the issuance on October 19, 2004, to Thomas Ngai, Permit to Alter a Building (on single-family house: to erect a 6' fence with 12" lattice section; to complete a 7' high fence on 3 sides and to comply with NOV). APPLICATION NO. 2004/10/19/7124. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0 to uphold the permit.

LIST OF SPEAKERS: Thanh Ngo, appellant; J. Michael Phelps, attorney for permit holder.

(7) **APPEAL NO. 04-168**

DANIEL ORTEGA & CANDACE HAMILTON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	650 – 20th Avenue. Protesting the issuance on October 26, 2004, to Raymond Lui & Amy Leung, Permit to Alter a Building (two units on 2nd floor to be converted to one unit). APPLICATION NO. 2004/09/22/4914. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0 to uphold the permit.

LIST OF SPEAKERS: Stanley Riddell, attorney for permit holders; appellants did not appear.

(8) **APPEAL NO. 04-171**

FRED BULLOCK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	567 Sanchez Street. Protesting the issuance on October 29, 2004, to Ed Hardy, Permit to Erect a Building (3-story single-family house with 1,168sf of ground floor area). APPLICATION NO. 2002/07/31/2759. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 4-0 to uphold the permit.

LIST OF SPEAKERS: Robert McCarthy, attorney for appellant; Frederick Bullock, appellant; David Cincotta, attorney for permit holder; Ed Hardy, permit holder; Jonas Ionin, PD; Lawrence Kornfield, DBI.

PUBLIC COMMENT: (For Appellant) Joast Van De Water said permit holder should have compromised in consideration of appellant's views. (For Permit Holder) Steve Hall asked that the appeal be denied and permit upheld since there are always minor changes in approved plans which cannot be met exactly. Roderic Cranston said the plans are in conformity with the original plans and the changes are minor and not substantive. Roger Doughty said the changes are trivial and permit holder is a kind and decent person. Joanne Nelson said there have been many delays due to DR requestor and permit holder is entitled to a setback. David Mast said the appellant has wasted time and money and has run amuck. Michael Hall said he's disturbed by how long it's taken for approval and that the changes are not material. Bob Nelson said the BOA should let Ed Hardy build.

(9) **APPEAL NO. 04-207**

MARK WELCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3016 Pine Street. Protesting the issuance on December 14, 2004, to Ray Steffen, Site Permit to Alter a Building (on single-family house: horizontal and vertical addition; add decks, enlarge kitchen, add bedrooms and bathrooms). APPLICATION NO. 2004/01/29/5170S. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-1 (Commissioner Knox dissented) to reschedule the hearing to March 9, 2005.

LIST OF SPEAKERS: Ray Steffen, permit holder; appellant did not appear.

There being no further business, Acting President Sugaya adjourned the meeting at 7:49 p.m.

Robert H

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 23, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) REHEARING REQUEST:

Subject property at 7909-7911 Geary Boulevard. Letter from Stephen Williams, attorney for appellants Neil & Nea Hanscomb, requesting rehearing of Appeal No(s). 04-139, Hanscomb vs. DBI, PDA, decided January 12, 2005. At that time, upon motion by Vice President Sugaya, the Board voted 5-0 to uphold the subject permit with the following condition(s): a) that a Notice of Special Restrictions be recorded on the land records limiting the use of the building to two-family; and b) that full detailed plans be submitted to the Planning Department. Project: on 2-unit residential building, add family room and 2 decks per plans. Permit Holder(s): Paul Detimofeev.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3739 Lawton Street. Permit issued on Nov. 23, 2004. Last day to appeal was Dec. 8, 2004. Jurisdiction request received on Jan. 31, 2005. Letter from Raquel Fox, attorney for Cynthia Schaer & Christina Ayesha, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/23/9976. Permit Holder(s): Valborg Wiederhold. Project: on single-family house, remove bathroom, remove cabinet, remove sink, cap pipes, and remove wall on ground floor.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 83 Harrington Street. Permit issued on Dec. 17, 2004. Last day to appeal was Jan. 3, 2005. Jurisdiction request received on Jan. 31, 2005. Letter from Joanne Zou, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/12/17/1673. Permit Holder(s): Shuen Yueng Temple. Project: on single-family house, correct NOV no. 200454053, remove 10' deep X 25' wide enclosure to original deck.

(3D & E) REHEARING REQUESTS:

Subject property at 3620 – 19th Street. Letters from Eileen Gold, Saandra Nazzal, and Earl Brown, appellants, requesting rehearing of Appeal No(s). 04-148, Gold & Nazzal vs. ZA, & 04-149, Brown vs. ZA, decided Jan. 19, 2005. At that time, upon motion by Commissioner Fung, the Board voted 2-2-1 (Vice President Sugaya & Commissioner Knox dissented, Commissioner Saunders absent) to uphold the subject determination with a finding that the Zoning Administrator abused his discretion when he determined that the west side interior units' west facing 2nd floor (bedroom) windows were in compliance with the plans approved by the Board of Supervisors on June 25, 2001. 4 out of 5 votes being required to overturn or modify a departmental action under Charter § 4.106(d), the motion failed, and the subject determination was upheld without any modifications.

(3F) REHEARING REQUEST:

Subject property at 1320 Wallace Street. Letter from Mike Garza, appellant, requesting rehearing of Appeal No(s). 04-153, Garza vs. ZA, decided Jan. 19, 2005. At that time, upon motion by Commissioner Knox, the Board voted 3-1-1 (President Harrington dissented, Commissioner Saunders absent) to uphold the subject Notice of Violation by the Zoning Administrator. Notice of Violation: that the subject property is being used as a junkyard in violation of the Planning Code since a junkyard is not a permitted use in the M-1 (light industrial) zoning district.

(4) APPEAL NO. 03-193

PATRICK McDERMOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1956-1960 Fell Street. **Re:** Permit to Convert (from 8 residential guest rooms and 1 dwelling unit into 3 dwelling units). **Note:** Pursuant to McDermott vs. City & County of San Francisco, Case No. 504-258, the Board is required (1) to set aside its decision of March 3, 2004 on the appeal of Patrick McDermott, and (2) to require the Dept. of Building Inspection not to enforce the replacement unit provisions of the Hotel Conversion Ordinance (HCO) against the appellant. FOR FURTHER CONSIDERATION TODAY.

(5) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. FOR HEARING TODAY.

(6) **APPEAL NO. 04-173**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	323 – 26th Avenue. Appealing a Notice of Decision by Dept. of Building Inspection Acting Director Jim Hutchinson, dated November 5, 2004, addressed to Leung to Chow and Chris Moscone, which states that an unlawful residential demolition has taken place at the subject property within the meaning of San Francisco Building Code §§ 103.3, 103.3.1, and 103.3.2, that Building Permit Application No(s). 2002/03/11/1078S1-5 & 2004/05/18/4138 are hereby revoked, and that a 5-year moratorium on the issuance of building permits is hereby imposed pursuant to San Francisco Building Code § 103.3.1. FOR HEARING TODAY.

(7) **APPEAL NO. 04-178**

PATRICIA VAUGHEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2775 Filbert Street. Appealing a determination dated November 5, 2004, addressed to Patricia Vaughey, regarding construction of fencing at the subject property, and in reference to Building Permit Application No(s). 2004/05/28/5113, which was approved for construction of a 10-foot tall fence. FOR HEARING TODAY.

(8) **APPEAL NO. 04-179**

JACKSON LIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1771 – 16th Avenue. Protesting the issuance on November 8, 2004, to Charles & Pearl Wong, Site Permit to Alter a Building (on single-family house: horizontal rear extension of 20'–6" plus a new full story above existing 1st floor). APPLICATION NO. 2003/10/07/6697S. FOR HEARING TODAY.

(9) **APPEAL NO. 05-006**

KENT deGROOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3939 – 20th Street. Protesting the issuance on December 30, 2004, to Westminster Trust, Permit to Alter a Building (on 10-unit apartment building: install 4' tall steel fence on roof to prevent people from accessing roof). APPLICATION NO. 2004/12/30/2368. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 17th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	ACTING PRESIDENT
SABRINA N. SAUNDERS	ACTING VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

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CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 23, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting President Hisashi Sugaya, Commissioner Frank Fung, and Commissioner Randall Knox.

ABSENT: Acting Vice President Sabrina Saunders.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

PUBLIC COMMENT: None.

(3) ADDENDUM ITEMS:

(3A) REHEARING REQUEST:

Subject property at 7909-7911 Geary Boulevard. Letter from Stephen Williams, attorney for appellants Neil & Nea Hanscomb, requesting rehearing of Appeal No(s). 04-139, Hanscomb vs. DBI, PDA, decided January 12, 2005. At that time, upon motion by Vice President Sugaya, the Board voted 5-0 to uphold the subject permit with the following condition(s): a) that a Notice of Special Restrictions be recorded on the land records limiting the use of the building to two-family; and b) that full detailed plans be submitted to the Planning Department. Project: on 2-unit residential building, add family room and 2 decks per plans. Permit Holder(s): Paul Detimofeev.

ACTION: None. Withdrawn by appellant/requestor.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3739 Lawton Street. Permit issued on Nov. 23, 2004. Last day to appeal was Dec. 8, 2004. Jurisdiction request received on Jan. 31, 2005. Letter from Raquel Fox, attorney for Cynthia Schaer & Christina Ayesha, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/23/9976. Permit Holder(s): Valborg Wiederhold. Project: on single-family house, remove bathroom, remove cabinet, remove sink, cap pipes, and remove wall on ground floor.

ACTION: (1) Upon motion by Commissioner Knox, the Board voted 1-2-1 (Commissioner Fung & Acting President Sugaya dissented, Acting Vice President Saunders absent) to reschedule the hearing. Motion failed. (2) Upon motion by Commissioner Knox, the Board voted 3-0-1 (Acting Vice President Saunders absent) to deny jurisdiction.

SPEAKERS: Raquel Fox, attorney for requestors; Diana Kruze, agent for permit holder.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 83 Harrington Street. Permit issued on Dec. 17, 2004. Last day to appeal was Jan. 3, 2005. Jurisdiction request received on Jan. 31, 2005. Letter from Joanne Zou, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/12/17/1673. Permit Holder(s): Shuen Yueng Temple. Project: on single-family house, correct NOV no. 200454053, remove 10' deep X 25' wide enclosure to original deck.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-0-1 (Acting Vice President Saunders absent) to grant jurisdiction.

SPEAKERS: Joanne Zou, requestor; Michael Yin, agent for permit holder.

(3D & E) REHEARING REQUESTS:

Subject property at 3620 – 19th Street. Letters from Eileen Gold, Saandra Nazzal, and Earl Brown, appellants, requesting rehearing of Appeal No(s). 04-148, Gold & Nazzal vs. ZA, & 04-149, Brown vs. ZA, decided Jan. 19, 2005. At that time, upon motion by Commissioner Fung, the Board voted 2-2-1 (Vice President Sugaya & Commissioner Knox dissented, Commissioner Saunders absent) to uphold the subject determination with a finding that the Zoning Administrator abused his discretion when he determined that the west side interior units' west facing 2nd floor (bedroom) windows were in compliance with the plans approved by the Board of Supervisors on June 25, 2001. 4 out of 5 votes being required to overturn or modify a departmental action under Charter § 4.106(d), the motion failed, and the subject determination was upheld without any modifications.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Acting Vice President Saunders absent) to deny the Requests for Rehearing.

SPEAKERS: Saandra Nazzal, co-appellant; Jared Eigerman, attorney for subject property owner; Earl Brown, co-appellant.

(3F) REHEARING REQUEST:

Subject property at 1320 Wallace Street. Letter from Mike Garza, appellant, requesting rehearing of Appeal No(s). 04-153, Garza vs. ZA, decided Jan. 19, 2005. At that time, upon motion by Commissioner Knox, the Board voted 3-1-1 (President Harrington dissented, Commissioner Saunders absent) to uphold the subject Notice of Violation by the Zoning Administrator. Notice of Violation: that the subject property is being used as a junkyard in violation of the Planning Code since a junkyard is not a permitted use in the M-1 (light industrial) zoning district.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-1 (Acting Vice President Saunders absent) to deny the Request for Rehearing.

SPEAKERS: None.

(4) APPEAL NO. 03-193

PATRICK McDERMOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1956-1960 Fell Street. **Re:** Permit to Convert (from 8 residential guest rooms and 1 dwelling unit into 3 dwelling units). **Note:** Pursuant to McDermott vs. City & County of San Francisco, Case No. 504-258, the Board is required (1) to set aside its decision of March 3, 2004 on the appeal of Patrick McDermott, and (2) to require the Dept. of Building Inspection not to enforce the replacement unit provisions of the Hotel Conversion Ordinance (HCO) against the appellant. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Acting Vice President Saunders absent) to vacate the judgment of March 3, 2004, and to instruct DBI not to enforce the replacement unit provisions of the Hotel Conversion Ordinance (HCO) against the appellant.

SPEAKERS: None.

(5) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Acting Vice President Saunders absent) to reschedule the hearing to April 13, 2005 at the request of the appellant.

SPEAKERS: Suzanne Yee, attorney for appellant; Jonas Ionin, PD.

(6) **APPEAL NO. 04-173**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	323 – 26th Avenue. Appealing a Notice of Decision by Dept. of Building Inspection Acting Director Jim Hutchinson, dated November 5, 2004, addressed to Leung to Chow and Chris Moscone, which states that an unlawful residential demolition has taken place at the subject property within the meaning of San Francisco Building Code §§ 103.3, 103.3.1, and 103.3.2, that Building Permit Application No(s). 2002/03/11/1078S1-5 & 2004/05/18/4138 are hereby revoked, and that a 5-year moratorium on the issuance of building permits is hereby imposed pursuant to San Francisco Building Code § 103.3.1. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Acting Vice President Saunders absent) to reschedule the hearing to April 13, 2005 at the request of the parties.

(7) **APPEAL NO. 04-178**

PATRICIA VAUGHEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2775 Filbert Street. Appealing a determination dated November 5, 2004, addressed to Patricia Vaughey, regarding construction of fencing at the subject property, and in reference to Building Permit Application No(s). 2004/05/28/5113, which was approved for construction of a 10-foot tall fence. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 to uphold the determination.

SPEAKERS: Jonas Ionin, PD; Appellant did not appear but did request a rescheduling due to illness.

(8) **APPEAL NO. 04-179**

JACKSON LIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1771 – 16th Avenue. Protesting the issuance on November 8, 2004, to Charles & Pearl Wong, Site Permit to Alter a Building (on single-family house: horizontal rear extension of 20'–6" plus a new full story above existing 1st floor). APPLICATION NO. 2003/10/07/6697S. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-0-1 (Acting Vice President Saunders absent) to uphold the permit.

SPEAKERS: Jackson Lin, appellant; Charles Wong, co-permit holder; Jonas Ionin, PD.

(9) **APPEAL NO. 05-006**

KENT deGROOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3939 – 20th Street. Protesting the issuance on December 30, 2004, to Westminster Trust, Permit to Alter a Building (on 10-unit apartment building: install 4' tall steel fence on roof to prevent people from accessing roof). APPLICATION NO. 2004/12/30/2368. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Acting Vice President Saunders absent) to uphold the permit.

SPEAKERS: Kent deGroot, appellant; Louise Swig, agent for permit holder.

There being no further business, Acting President Sugaya adjourned the meeting at 8:00pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 2, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3148 Geary Boulevard. Permit issued on January 12, 2005. Last day to appeal was January 27, 2005. Jurisdiction request received on February 9, 2005. Letter from Robert Link, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2002/07/17/1660S. Permit Holder(s): William & Richard Wong. Project: construction of a 4-story, 7-unit apartment building with retail/commercial.

(3B) REHEARING REQUEST:

Subject property at 1244-1268 Sutter Street. Letter from Lawrence Badiner, Zoning Administrator, requesting rehearing of Appeal No(s). 04-132, Joseph vs. ZA, decided Feb. 2, 2005. At that time, upon motion by Commissioner Fung, the Board voted 3-1 (Acting President Sugaya dissented) to overrule the subject determination with a finding that the current use of the subject property is not office use, and instead resembles an arts activity under the Planning Code. ZA determination: that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. Appellant(s): Alison Joseph.

(3C) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1401-1409 Castro Street. Permit issued on August 2, 2004. Last day to appeal was August 17, 2004. Jurisdiction request received February 14, 2005. Letter from Eric McFarland, attorney for Chloe Alexander, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/08/02/0401. Project: on apartment building with commercial, storage room into laundry room at ground floor. Permit Holder(s): Isa Muhawieh.

(3D) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1401-1409 Castro Street. Revised letter of determination issued on October 20, 2004. Last day to appeal was November 4, 2004. Jurisdiction request received February 14, 2005. Letter from Eric McFarland, attorney for Chloe Alexander, requestor(s), asking that the Board take jurisdiction over a Zoning Administrator letter of determination which states that the legal use of the units on the subject property is as follows: one personal services commercial use on the ground floor of the main building (1401 Castro St.), one legal dwelling unit on the second floor of the main building (395 Jersey St.), and one legal dwelling unit in the small building or cottage at the rear of the property fronting Castro Street (1409 Castro Street); and that the permit history for the subject property is limited and provides no clear evidence that the space at 1401 Castro Street was legally subdivided to create 1403 Castro Street with a dwelling unit contained therein. Subject Property Owner(s): Isa Muhawieh.

(3E) **REHEARING REQUEST:**

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-105, Schoenbrun vs. DBI, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject permit. Project: on apartment building with commercial, storage room into laundry room at ground floor. Permit Holder(s): Isa Muhawieh.

(3F) **REHEARING REQUEST:**

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-166, Schoenbrun vs. ZA, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject determination (as described in Item 3D). Subject Property Owner(s): Isa Muhawieh.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 05-009

MIRKO BUCHWALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2051 Balboa Street. Appeal for refund of penalty imposed on Jan. 19, 2005 for work done without a permit (on 3-unit residential / commercial building: add walls, handrails, and benches as noted; cap plumbing as noted; new electrical work as noted; remove two commercial units and shower; comply with NOV no. 200338266). APPLICATION NO. 2003/06/22/7594. FOR HEARING TODAY.

(5) APPEAL NO. 04-035

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD AUG. 18, 2004. FOR FURTHER CONSIDERATION TODAY.

(6) APPEAL NO. 04-037

ANTHONY DUMONT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	155 Westwood Drive. Appealing a Notice of Decision by Dept. of Building Inspection Director Frank Chiu, dated April 19, 2004, revoking Building Permit Application No(s). 2003/05/19/4954, 2003/08/05/1263, and 2003/08/21/2731. Reason(s) for revocation: construction at the subject property exceeded the scope of the first two permits; and the third permit was issued in error due to false information supplied by the permit applicant. FOR HEARING TODAY.

(7) **APPEAL NO. 04-075**

MICHAEL RABBITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	141 Willard Street North. Appealing the denial on July 8, 2004 of Permit to Erect a Building (4-story, 2-unit building with 1,862sf of ground floor area). APPLICATION NO. 2003/05/22/5280S. FOR HEARING TODAY. **Note:** On December 8, 2004, the Board voted 5-0 to overrule the Planning Commission's denial of the demolition permit, and grant the demolition permit on condition that it be held in abeyance until the permit for the replacement structure is approved, and with a finding that a soundness report has been submitted which meets the 50 percent rule under the Planning Commission's residential demolition guidelines.

(8) **APPEAL NO. 04-110**

KERI EVILSIZOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	137-139 Cook Street. Protesting the issuance on August 4, 2004, to Joseph Tierney, Permit to Alter a Building (on 2-unit building: raise building to create new garage in existing basement; and add new 3rd floor unit). APPLICATION NO. 2002/06/07/8509S. FOR HEARING TODAY.

(9) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

(10) **APPEAL NO. 04-161**

DYANN TRESENFELD & ED WALDRUP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	7 Danvers Street. Appealing the denial on October 20, 2004, of Permit to Alter a Building (on 5-unit residential building plus housekeeping unit: legalize kitchen in housekeeping unit). APPLICATION NO. 2004/04/13/1110. FOR HEARING TODAY.

(11) **APPEAL NO. 04-181**

CARMINE FIORE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	3910 - 22nd Street. Protesting the issuance on November 17, 2004, to Sergio Iantorno, Site Permit to Alter a Building (on single-family house: horizontal addition). APPLICATION NO. 2004/03/02/2506S. FOR HEARING TODAY.

(12) **APPEAL NO. 04-182**

ELLEN TSANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2650 Hyde Street. Protesting the issuance on November 18, 2004, to Douglas Greenwood, Permit to Alter a Building (on a two-unit building: rehabilitation of deck and staircase). APPLICATION NO. 2004/11/18/9555. FOR HEARING TODAY.

(13) **APPEAL NO. 04-184**

ROBERTA STEWART, MICHAEL STEWART, & KENNETH STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	31 Mangels Avenue. Protesting the issuance on November 23, 2004, to Frank Cook, Permit to Alter a Building (on single-family house: addition consisting of 21.5' X 15' on two stories to rear of existing house; partial renovation of interior; no change to front). APPLICATION NO. 2003/07/30/0758. FOR HEARING TODAY.

(14) **APPEAL NO. V04-185**

RICHARD MILLETT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	695 Arkansas Street & Unimproved Portion of the 22nd Street Right of Way. Protesting the granting on November 29, 2004, to Mike Lanza, Front Setback Variance (proposal is to construct an addition on the southern side of the property within the required front setback). VARIANCE CASE NO. 2004.0270V. FOR HEARING TODAY.

ITEMS (15A) & (15B) SHALL BE HEARD TOGETHER:

(15A) **APPEAL NO. 04-186**

ARKADY PIKOVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	261 – 26th Avenue. Appealing the denial on December 8, 2004, of Permit to Demolish a Building (2-story, 2-unit residential building with 1,163sf of ground floor area). APPLICATION NO. 2003/01/10/4988. FOR HEARING TODAY.

(15B) **APPEAL NO. 04-187**

ARKADY PIKOVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	261 – 26th Avenue. Appealing the denial on December 8, 2004, of Site Permit to Erect a Building (4-story, 3-unit residential building with 2,070sf of ground floor area). APPLICATION NO. 2003/01/10/4991S. FOR HEARING TODAY.

(16) **APPEAL NO. 05-008**

WALTER FINCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	555 Buena Vista West. Appealing the denial on Jan. 18, 2005, of Permit to Alter a Building (on 41-unit apartment building: window replacement, remainder of all units; all sides except non-weather exposed front of building). APPLICATION NO. 2004/09/20/4587. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 24th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	ACTING PRESIDENT
SABRINA N. SAUNDERS	ACTING VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 2, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting Vice President Sabrina Saunders, Commissioner Frank Fung, and Commissioner Randall Knox.

ABSENT: Acting President Hisashi Sugaya.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (DCA OCA); Jonas Ionin, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3148 Geary Boulevard. Permit issued on January 12, 2005. Last day to appeal was January 27, 2005. Jurisdiction request received on February 9, 2005. Letter from Robert Link, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2002/07/17/1660S. Permit Holder(s): William & Richard Wong. Project: construction of a 4-story, 7-unit apartment building with retail/commercial.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-1 (Acting President Sugaya absent) to deny the jurisdiction request.

SPEAKERS: Robert Link, requestor; Jack Scott, agent for permit holder; Leo McFadden, DBI; Jonas Ionin, PD.

PUBLIC COMMENT: None.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-1 (Acting President Sugaya absent) to reschedule the hearing to April 13, 2005.

SPEAKERS: Andrew Zacks, attorney for requestors; Steven MacDonald, attorney for permit holder.

PUBLIC COMMENT: None.

(3E) REHEARING REQUEST:

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-105, Schoenbrun vs. DBI, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject permit. Project: on apartment building with commercial, storage room into laundry room at ground floor. Permit Holder(s): Isa Muhawieh.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-1 (Acting President Sugaya absent) to reschedule the hearing to April 13, 2005.

SPEAKERS: Andrew Zacks, attorney for requestors; Steven MacDonald, attorney for permit holder.

PUBLIC COMMENT: None.

(3F) REHEARING REQUEST:

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-166, Schoenbrun vs. ZA, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject determination (as described in Item 3D). Subject Property Owner(s): Isa Muhawieh.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-1 (Acting President Sugaya absent) to reschedule the hearing to April 13, 2005.

SPEAKERS: Andrew Zacks, attorney for requestors; Steven MacDonald, attorney for permit holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 04-037**

ANTHONY DUMONT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	155 Westwood Drive. Appealing a Notice of Decision by Dept. of Building Inspection Director Frank Chiu, dated April 19, 2004, revoking Building Permit Application No(s). 2003/05/19/4954, 2003/08/05/1263, and 2003/08/21/2731. Reason(s) for revocation: construction at the subject property exceeded the scope of the first two permits; and the third permit was issued in error due to false information supplied by the permit applicant. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-1 (Acting President Sugaya absent) to reschedule the hearing to May 4, 2005 at the written request of the parties.

(7) **APPEAL NO. 04-075**

MICHAEL RABBITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	141 Willard Street North. Appealing the denial on July 8, 2004 of Permit to Erect a Building (4-story, 2-unit building with 1,862sf of ground floor area). APPLICATION NO. 2003/05/22/5280S. FOR HEARING TODAY. **Note:** On December 8, 2004, the Board voted 5-0 to overrule the Planning Commission's denial of the demolition permit, and grant the demolition permit on condition that it be held in abeyance until the permit for the replacement structure is approved, and with a finding that a soundness report has been submitted which meets the 50 percent rule under the Planning Commission's residential demolition guidelines.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Acting President Sugaya absent) to reschedule the hearing to April 13, 2005 at the written request of the parties.

(11) **APPEAL NO. 04-181**

CARMINE FIORE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT APPROVAL	3910 - 22nd Street. Protesting the issuance on November 17, 2004, to Sergio Iantorno, Site Permit to Alter a Building (on single-family house: horizontal addition). APPLICATION NO. 2004/03/02/2506S. FOR HEARING TODAY.

ACTION: None. Appeal withdrawn.

(12) **APPEAL NO. 04-182**

ELLEN TSANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2650 Hyde Street. Protesting the issuance on November 18, 2004, to Douglas Greenwood, Permit to Alter a Building (on a two-unit building: rehabilitation of deck and staircase). APPLICATION NO. 2004/11/18/9555. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Acting President Sugaya absent) to reschedule the hearing to May 4, 2005 at the request of the appellant.

SPEAKERS: Stephen Williams, attorney for appellant; Jeremy Paul, agent for permit holder.

(13) **APPEAL NO. 04-184**

ROBERTA STEWART, MICHAEL STEWART, & KENNETH STEWART, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	31 Mangels Avenue. Protesting the issuance on November 23, 2004, to Frank Cook, Permit to Alter a Building (on single-family house: addition consisting of 21.5' X 15' on two stories to rear of existing house; partial renovation of interior; no change to front). APPLICATION NO. 2003/07/30/0758. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Acting President Sugaya absent) to uphold the permit.

SPEAKERS: Robert Stewart, co-appellant; Michael Stewart, co-appellant; Frank Cools, permit holder; Charles Lewis, architect for permit holder; Jonas Ionin, PD.

(16) **APPEAL NO. 05-008**

WALTER FINCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	555 Buena Vista West. Appealing the denial on Jan. 18, 2005, of Permit to Alter a Building (on 41-unit apartment building: window replacement, remainder of all units; all sides except non-weather exposed front of building). APPLICATION NO. 2004/09/20/4587. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Acting President Sugaya absent) to reschedule the hearing to April 13, 2005 at the written request of the parties.

There being no further business, Acting Vice President Saunders adjourned the meeting at 7:00 pm.

Robert H Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 9, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

(3B) REHEARING REQUEST:

Subject property at 454 – 17th Avenue. Letter from Esther Lau, appellant(s), requesting rehearing of Appeal No(s). 04-147 & 04-174, decided Feb. 16, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0 to uphold both permits on condition that the permit holder acoustically treat the bathrooms for appropriate sound isolation as required for new condominiums under the Building Code. Project: 1st permit, on single-family house, master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961. Project: 2nd permit, on single-family house, dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119. Permit Holder(s): Curt Sigfstead & Lara Witter.

(3C) REHEARING REQUEST:

Subject property at 1244-1268 Sutter Street. Letter from Lawrence Badiner, Zoning Administrator, requesting rehearing of Appeal No(s). 04-132, Joseph vs. ZA, decided Feb. 2, 2005. At that time, upon motion by Commissioner Fung, the Board voted 3-1 (Acting President Sugaya dissented) to overrule the subject determination with a finding that the current use of the subject property is not office use, and instead resembles an arts activity under the Planning Code. ZA determination: that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. Appellant(s): Alison Joseph. **Note:** Public hearing on this rehearing request was held on March 2, 2005.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 05-011

PACIFIC HEIGHTS TOWERS CONDOMINIUM ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2200 Sacramento Street. Appeal for refund of penalty imposed on January 21, 2005 for work done without a permit (on 65-unit condominium building: installation of new cogeneration system/generator). APPLICATION NO. 2004/11/12/9024. FOR HEARING TODAY.

(4B) APPEAL NO. 05-013

MARCIA POPE & JEFF RUBIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2815 Pine Street. Appeal for refund of penalty imposed on Jan. 12, 2005 for work done without a permit (on single-family house: remove illegal unit on ground floor per NOV no. 199602226; add bathroom at 3rd floor; remodel kitchen at 2nd floor; remodel bathroom and laundry at 2nd floor). APPLICATION NO. 2005/01/07/2786. FOR HEARING TODAY.

(4C) **APPEAL NO. 05-014**

MARY DUNN BENNETT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1516 La Playa. Appeal for refund of penalty imposed on Jan. 25, 2005 for work done without a permit (on single-family house: remove illegal kitchen at garage level; cap all utilities at source; convert to storage space; legalize existing bath at garage level). APPLICATION NO. 2005/01/11/2999. FOR HEARING TODAY.

(4D) **APPEAL NO. 05-015**

JAMES QUILTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Divisadero Street. Appeal for refund of penalty imposed on Jan. 26, 2005 for work done without a permit (on 3-unit residential building: comply with NOV no. 199815272 to restore use to 3 dwelling units). APPLICATION NO. 2005/01/07/2789. FOR HEARING TODAY.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 04-188**

PETER OVERMIRE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a determination dated November 29, 2004, addressed to Alice Barkley at Luce Forward LLP, that since the Certificate of Appropriateness pursuant to Planning Commission Motion No. 16086 is predicated on a specific permit (Building Permit Application No. 9710066S), and since this permit is still valid, then the Certificate of Appropriateness is still valid. FOR HEARING TODAY.

(5B) **APPEAL NO. 05-007**

PETER OVERMIRE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a letter dated November 2, 2004, addressed to Alice Barkley, written by the Acting Director of the Dept. of Building Inspection (DBI), which states that the expiration of Building Permit Application No(s). 9710066S was unwarranted and that the subject permit is reinstated. JURISDICTION GRANTED JAN. 12, 2005. FOR HEARING TODAY.

(6) **APPEAL NO. 04-189**

JENNIFER MANIAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2430 Pacific Avenue. Protesting the issuance on November 22, 2004, to P.M. Kahn, Site Permit to Alter a Building (on single-family house: new garden stair). APPLICATION NO. 2003/01/24/5818S. FOR HEARING TODAY.

(7) **APPEAL NO. 04-190**

DAMIEN GREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1433 Haight Street. Protesting the issuance on December 1, 2004, to Kenneth Epstein, Permit to Alter a Building (on an apartment building: corrections related to NOV No. 200452370; remove rear southwest deck installed without permit). APPLICATION NO. 2004/12/01/0488. FOR HEARING TODAY.

(8) **APPEAL NO. 04-191**

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): REALTIME PROPERTIES LLC	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

(9) **APPEAL NO. 04-192**

JOANNE & DENIS DRISCOLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	111 Country Club Drive. Protesting the issuance on December 2, 2004, to Joe & Maria Bonkowski, Site Permit to Alter a Building (on single-family house: demolish existing 1st floor roof; add a 600sf 2nd floor addition over part of existing 1st floor; addition will include 2 bedrooms and 1 bathroom). APPLICATION NO. 2003/08/08/1594S. FOR HEARING TODAY.

(10) **APPEAL NO. V04-193**

CAROL & DENNIS HAMBY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 – 1402 Cole Street. Protesting the granting on December 6, 2004, to Edward Morris (Subject Property Owners Adel Mohammed Shalabi & Laura Fiene), Rear Yard, Usable Open Space & Non-complying Structure Variances (proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building. VARIANCE CASE NO. 2003.0639V. FOR HEARING TODAY.

(11) **APPEAL NO. 04-207**

MARK WELCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3016 Pine Street. Protesting the issuance on December 14, 2004, to Ray Steffen, Site Permit to Alter a Building (on single-family house: horizontal and vertical addition; add decks, enlarge kitchen, add bedrooms and bathrooms). APPLICATION NO. 2004/01/29/5170S. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **March 3rd, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**ACTING PRESIDENT**
SABRINA N. SAUNDERS	**ACTING VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

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Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 9, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting President Hisashi Sugaya, Acting Vice President Sabrina Saunders, and Commissioner Frank Fung.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Randall Knox.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

PUBLIC COMMENT: None.

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(3) **ADDENDUM ITEMS:**

(3A) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the meeting to March 30, 2005 at the request of the parties.

SPEAKERS: None.

(3B) **REHEARING REQUEST:**

Subject property at 454 – 17th Avenue. Letter from Esther Lau, appellant(s), requesting rehearing of Appeal No(s). 04-147 & 04-174, decided Feb. 16, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0 to uphold both permits on condition that the permit holder acoustically treat the bathrooms for appropriate sound isolation as required for new condominiums under the Building Code. Project: 1st permit, on single-family house, master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961. Project: 2nd permit, on single-family house, dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119. Permit Holder(s): Curt Sigfstead & Lara Witter.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 2-1-1 (Commissioner Fung dissented & Commissioner Knox absent) to reschedule the hearing to April 6, 2005.

SPEAKERS: Esther Lau, appellant/requestor; Alice Barkley, attorney for permit holder.

(3C) **REHEARING REQUEST:**

Subject property at 1244-1268 Sutter Street. Letter from Lawrence Badiner, Zoning Administrator, requesting rehearing of Appeal No(s). 04-132, Joseph vs. ZA, decided Feb. 2, 2005. At that time, upon motion by Commissioner Fung, the Board voted 3-1 (Acting President Sugaya dissented) to overrule the subject determination with a finding that the current use of the subject property is not office use, and instead resembles an arts activity under the Planning Code. ZA determination: that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. Appellant(s): Alison Joseph. **Note:** Public hearing on this rehearing request was held on March 2, 2005.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Knox absent) to grant the Request for Rehearing, and to set the rehearing for March 30, 2005.

SPEAKERS: Jeremy Paul, agent for appellant; Jonas Ionin, PD.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 05-011

PACIFIC HEIGHTS TOWERS CONDOMINIUM ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2200 Sacramento Street. Appeal for refund of penalty imposed on January 21, 2005 for work done without a permit (on 65-unit condominium building: installation of new cogeneration system/generator). APPLICATION NO. 2004/11/12/9024. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to reduce the penalty to 5 times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; David Hill, agent for appellant.

(4B) APPEAL NO. 05-013

MARCIA POPE & JEFF RUBIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2815 Pine Street. Appeal for refund of penalty imposed on Jan. 12, 2005 for work done without a permit (on single-family house: remove illegal unit on ground floor per NOV no. 199602226; add bathroom at 3rd floor; remodel kitchen at 2nd floor; remodel bathroom and laundry at 2nd floor). APPLICATION NO. 2005/01/07/2786. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to April 20, 2005 at the request of the parties.

SPEAKERS: Laurence Kornfield, DBI.

(4C) **APPEAL NO. 05-014**

MARY DUNN BENNETT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1516 La Playa. Appeal for refund of penalty imposed on Jan. 25, 2005 for work done without a permit (on single-family house: remove illegal kitchen at garage level; cap all utilities at source; convert to storage space; legalize existing bath at garage level). APPLICATION NO. 2005/01/11/2999. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Knox absent) to reduce the penalty to 2 times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Mary Dunn-Bennett, appellant.

(4D) **APPEAL NO. 05-015**

JAMES QUILTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	68 Divisadero Street. Appeal for refund of penalty imposed on Jan. 26, 2005 for work done without a permit (on 3-unit residential building: comply with NOV no. 199815272 to restore use to 3 dwelling units). APPLICATION NO. 2005/01/07/2789. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Knox absent) to reduce the penalty to 2 times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Henry Karnilowicz, agent for appellant.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 04-188**

PETER OVERMIRE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a determination dated November 29, 2004, addressed to Alice Barkley at Luce Forward LLP, that since the Certificate of Appropriateness pursuant to Planning Commission Motion No. 16086 is predicated on a specific permit (Building Permit Application No. 9710066S), and since this permit is still valid, then the Certificate of Appropriateness is still valid. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to April 13, 2005 at the request of the parties.

SPEAKERS: Alice Barkley, attorney for permit holder.

(5B) **APPEAL NO. 05-007**

PETER OVERMIRE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a letter dated November 2, 2004, addressed to Alice Barkley, written by the Acting Director of the Dept. of Building Inspection (DBI), which states that the expiration of Building Permit Application No(s). 9710066S was unwarranted and that the subject permit is reinstated. JURISDICTION GRANTED JAN. 12, 2005. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to April 13, 2005 at the request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 04-189**

JENNIFER MANIAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2430 Pacific Avenue. Protesting the issuance on November 22, 2004, to P.M. Kahn, Site Permit to Alter a Building (on single-family house: new garden stair). APPLICATION NO. 2003/01/24/5818S. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to uphold the subject permit, on condition that the trees be planted as required by earlier building permits.

SPEAKERS: Jennifer Maniar, appellant; Bruce Bonacher, architect for permit holder; Jonas Ionin, PD; Laurence Kornfield, DBI.

(7) **APPEAL NO. 04-190**

DAMIEN GREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1433 Haight Street. Protesting the issuance on December 1, 2004, to Kenneth Epstein, Permit to Alter a Building (on an apartment building: corrections related to NOV No. 200452370; remove rear southwest deck installed without permit). APPLICATION NO. 2004/12/01/0488. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 2-1-1 (Acting Vice President Saunders dissented, Commissioner Knox absent) to uphold the subject permit; without a unanimous vote, the matter was rescheduled to April 20, 2005 per the advice of Catharine Barnes, OCA.

SPEAKERS: Damien Grey, appellant; Jeffrey Livingston, attorney for permit holder; Catherine Barnes, Deputy City Attorney, OCA.

(8) **APPEAL NO. 04-191**

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): REALTIME PROPERTIES LLC	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to May 4, 2005 at the request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. 04-192**

JOANNE & DENIS DRISCOLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	111 Country Club Drive. Protesting the issuance on December 2, 2004, to Joe & Maria Bonkowski, Site Permit to Alter a Building (on single-family house: demolish existing 1st floor roof; add a 600sf 2nd floor addition over part of existing 1st floor; addition will include 2 bedrooms and 1 bathroom). APPLICATION NO. 2003/08/08/1594S. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 2-1-1 (Acting President Sugaya dissented, Commissioner Knox absent) to uphold the subject permit; without a unanimous vote, the matter was rescheduled to April 13, 2005 per the advice of Catharine Barnes, OCA.

SPEAKERS: Joanne Driscoll, co-appellant; Therese Peffer, architect for permit holder; Joe Bonkowski, co-permit holder; Denis Driscoll, co-appellant; Maria Borje-Bonkowski, co-permit holder; Jonas Ionin, PD.

(10) **APPEAL NO. V04-193**

CAROL & DENNIS HAMBY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 – 1402 Cole Street. Protesting the granting on December 6, 2004, to Edward Morris (Subject Property Owners Adel Mohammed Shalabi & Laura Fiene), Rear Yard, Usable Open Space & Non-complying Structure Variances (proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building. VARIANCE CASE NO. 2003.0639V. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to April 13, 2005.

SPEAKERS: Alice Barkley, attorney for appellant; Toby Morris, attorney for variance holder.

(11) **APPEAL NO. 04-207**

MARK WELCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3016 Pine Street. Protesting the issuance on December 14, 2004, to Ray Steffen, Site Permit to Alter a Building (on single-family house: horizontal and vertical addition; add decks, enlarge kitchen, add bedrooms and bathrooms). APPLICATION NO. 2004/01/29/5170S. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to uphold the permit.

SPEAKERS: Mark Welch, appellant; Ray Steffen, permit holder; Eric Steffan, brother of permit holder; Jonas Ionin, PD.

There being no further business, Acting President Sugaya adjourned the meeting at 7:36 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 30, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 973-975 Guerrero Street. Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.

(3B) REHEARING REQUEST:

Subject property at 567 Sanchez Street. Letter from Debra Stein, agent for Fred Bullock, appellant(s), requesting rehearing of Appeal No(s). 04-171, decided Feb. 16, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 4-0 to uphold the subject permit. Project: construction of a 3-story single-family house with 1,168sf of ground floor area. Permit Holder(s): Ed Hardy.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

(3D) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199 (Item 4), filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

(4) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

(5) APPEAL NO. 04-132

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. **Note:** On Feb. 2, 2005, the Board voted 3-1 to overrule the subject determination with a finding that the current use of the subject property is not office use, and instead resembles an arts activity under the Planning Code. On March 9, 2005, the Board voted 3-0 to grant the Zoning Administrator's rehearing request, and to set the rehearing for March 30, 2005. FOR REHEARING TODAY.

(6) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER'S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet tall on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HARD TOGETHER:

(7A) **APPEAL NO. 04-151**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated October 6, 2004, addressed to Charles Marsteller, that a new conditional use (CU) application and variance application are required to modify this previously approved project (two-tower development containing 141 dwelling units with ground floor retail spaces, and a garage containing 51 automobile parking spaces, 40 bicycle spaces and 2 service vehicle loading spaces). FOR HEARING TODAY.

(7B) **APPEAL NO. 05-012**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated January 11, 2005, addressed to Charles Marsteller & Nancy Gin, concerning broader procedural issues related to the approved mixed-use development project at the subject property and proposed modifications to this approved project by the new property owner. FOR HEARING TODAY.

(8) **APPEAL NO. 04-194**

KELLIE SERINGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2169 Folsom Street #M305. Appealing the denial on December 15, 2004, of Permit to Alter a Building (on a condo/live-work unit: general renovation of interiors of bathrooms, bedrooms, living areas and roof decks; seismic reinforcing; horizontal extension on to north roof deck; sprinklers under separate permit). APPLICATION NO. 2004/08/23/2307. FOR HEARING TODAY.

(9) **APPEAL NO. V04-196**

MUELLER FAMILY LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1212 – 15th Avenue. Protesting the granting on December 7, 2004, to Stephen Antonaros (Subject Property Owners Tony & Winnie Chiang), Minimum Lot Width variance (proposal is to split the lot between the existing building and the vacant portion of the lot resulting in two separate lots). VARIANCE CASE NO. 2004.0227V. FOR HEARING TODAY.

(10) **APPEAL NO. 04-197**

LORENZO BOELITZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: MICHAEL RUDMAN	1644 Diamond Street. Appealing the denial on December 8, 2004, of Permit to Demolish a Building (one-story over garage single-family house with 879sf of ground floor area). APPLICATION NO. 2004/03/03/7704. FOR HEARING TODAY.

(11) **APPEAL NO. 04-198**

GEORGE CHEN & BRITT BACHNER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2523 Steiner Street. Protesting the issuance on December 3, 2004, to Christopher Rose, Permit to Alter a Building (on single-family house: new extension of bay window at front; revision to Building Permit Application No. 2003/06/06/6462). APPLICATION NO. 2004/12/03/0684. FOR HEARING TODAY.

(12) **APPEAL NO. V05-016**

SEAN WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1520-1530 Larkin Street. Appealing the denial on January 19, 2005, of Lot Size Variance (split the existing lot, which measures 40' wide and 133' deep and contains one 6-unit building, into two lots that would each be less than 25' wide; each lot would contain one 3-unit building). VARIANCE CASE NO. 2004.0679V. FOR HEARING TODAY.

(13) **APPEAL NO. 05-019**

WILLIAM & JEAN SIEPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	485 Crestmont Drive. Protesting the issuance on January 19, 2005, to Reed Minuth, Permit to Alter a Building (on single-family house: demolition of deck and stairs; construction of deck and stairs at front entrance). APPLICATION NO. 2005/01/19/3490 FOR HEARING TODAY.

(14) **APPEAL NO. 05-022**

CAMILLE HAMILTON & DAVID PATING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	755 – 22nd Avenue. Protesting the issuance on January 13, 2005 (neighborhood notification reissued Feb. 1, 2005 by DBI's Central Permit Bureau), to Jeffery Nemy & Betsy Erickson, Permit to Alter a Building (on single-family house: add 6' addition with decks to rear of building as shown on drawings; remodel 3rd floor to provide for new bathroom and decks; remodel kitchen, breakfast room, toilet/powder room and add deck at 2nd floor; remodel garage to provide for new bathroom; add dwelling unit at 1st floor). APPLICATION NO. 2003/09/29/6087S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 10th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**ACTING PRESIDENT**
SABRINA N. SAUNDERS	**ACTING VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 30, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting President Hisashi Sugaya, Acting Vice President Sabrina Saunders, and Commissioner Frank Fung.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABESENT: Commissioner Randall Knox.

(1) PUBLIC COMMENT:

> At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

PUBLIC COMMENT: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

PUBLIC COMMENT: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

> **Subject property at 973-975 Guerrero Street.** Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to continue the hearing to April 6, 2005.

SPEAKERS: Lee Taylor, requestor; Andrew Zacks, attorney for permit holder; John Polland, agent for permit holder.

PUBLIC COMMENT: None.

(3B) REHEARING REQUEST:

Subject property at 567 Sanchez Street. Letter from Debra Stein, agent for Fred Bullock, appellant(s), requesting rehearing of Appeal No(s). 04-171, decided Feb. 16, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 4-0 to uphold the subject permit. Project: construction of a 3-story single-family house with 1,168sf of ground floor area. Permit Holder(s): Ed Hardy.

ACTION: Withdrawn by requestor.

SPEAKERS: None.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to April 6, 2005 at the request of the parties.

SPEAKERS: Andrew Zacks, for permit holder; Steven Collier, for requestor.

(3D) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199 (Item 4), filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to May 11, 2005 at the request of the parties.

SPEAKERS: None.

(4) **APPEAL NO. V04-199**

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to May 11, 2005 at the request of the parties.

SPEAKERS: None.

(5) **APPEAL NO. 04-132**

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. **Note:** On Feb. 2, 2005, the Board voted 3-1 to overrule the subject determination with a finding that the current use of the subject property is not office use, and instead resembles an arts activity under the Planning Code. On March 9, 2005, the Board voted 3-0 to grant the Zoning Administrator's rehearing request, and to set the rehearing for March 30, 2005. FOR REHEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to April 20, 2005.

SPEAKERS: None.

(6) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER'S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet tall on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-0-1 (Commissioner Knox absent) to reschedule the hearing to June 29, 2005 at the request of the parties.

SPEAKERS: None.

ITEMS (7A) & (7B) SHALL BE HARD TOGETHER:

(7A) **APPEAL NO. 04-151**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated October 6, 2004, addressed to Charles Marsteller, that a new conditional use (CU) application and variance application are required to modify this previously approved project (two-tower development containing 141 dwelling units with ground floor retail spaces, and a garage containing 51 automobile parking spaces, 40 bicycle spaces and 2 service vehicle loading spaces). FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

(7B) **APPEAL NO. 05-012**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated January 11, 2005, addressed to Charles Marsteller & Nancy Gin, concerning broader procedural issues related to the approved mixed-use development project at the subject property and proposed modifications to this approved project by the new property owner. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0-1 (Commissioner Knox assent) to reschedule the hearing to April 20, 2005 at the request of the ZA.

SPEAKERS: Jonas Ionin, PD; John Sanger, for appellant.

(8) **APPEAL NO. 04-194**

KELLIE SERINGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2169 Folsom Street #M305. Appealing the denial on December 15, 2004, of Permit to Alter a Building (on a condo/live-work unit: general renovation of interiors of bathrooms, bedrooms, living areas and roof decks; seismic reinforcing; horizontal extension on to north roof deck; sprinklers under separate permit). APPLICATION NO. 2004/08/23/2307. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 to reschedule the hearing to May 11, 2005 at the request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. V04-196**

MUELLER FAMILY LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1212 – 15th Avenue. Protesting the granting on December 7, 2004, to Stephen Antonaros (Subject Property Owners Tony & Winnie Chiang), Minimum Lot Width variance (proposal is to split the lot between the existing building and the vacant portion of the lot resulting in two separate lots). VARIANCE CASE NO. 2004.0227V. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 3-0-1 to reschedule the hearing to Call of the Chair.

SPEAKERS: None.

(10) **APPEAL NO. 04-197**

LORENZO BOELITZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: MICHAEL RUDMAN	1644 Diamond Street. Appealing the denial on December 8, 2004, of Permit to Demolish a Building (one-story over garage single-family house with 879sf of ground floor area). APPLICATION NO. 2004/03/03/7704. FOR HEARING TODAY.

ACTION: Appeal withdrawn by appellant.

(11) **APPEAL NO. 04-198**

GEORGE CHEN & BRITT BACHNER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2523 Steiner Street. Protesting the issuance on December 3, 2004, to Christopher Rose, Permit to Alter a Building (on single-family house: new extension of bay window at front; revision to Building Permit Application No. 2003/06/06/6462). APPLICATION NO. 2004/12/03/0684. FOR HEARING TODAY.

ACTION: Appeal withdrawn by appellants.

(12) **APPEAL NO. V05-016**

SEAN WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1520-1530 Larkin Street. Appealing the denial on January 19, 2005, of Lot Size Variance (split the existing lot, which measures 40' wide and 133' deep and contains one 6-unit building, into two lots that would each be less than 25' wide; each lot would contain one 3-unit building). VARIANCE CASE NO. 2004.0679V. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 3-0-1 (Commissioner Knox absent) to overrule the denial & grant the variance with adoption of findings on April 13, 2005.

SPEAKERS: Jonas Ionin, PD; Leo McFadden. DBI; Jeremy Paul, agent for appellant.

(13) **APPEAL NO. 05-019**

WILLIAM & JEAN SIEPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	485 Crestmont Drive. Protesting the issuance on January 19, 2005, to Reed Minuth, Permit to Alter a Building (on single-family house: demolition of deck and stairs; construction of deck and stairs at front entrance). APPLICATION NO. 2005/01/19/3490 FOR HEARING TODAY.

ACTION: Appeal withdrawn by appellants.

(14) **APPEAL NO. 05-022**

CAMILLE HAMILTON & DAVID PATING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	755 – 22nd Avenue. Protesting the issuance on January 13, 2005 (neighborhood notification reissued Feb. 1, 2005 by DBI's Central Permit Bureau), to Jeffery Nemy & Betsy Erickson, Permit to Alter a Building (on single-family house: add 6' addition with decks to rear of building as shown on drawings; remodel 3rd floor to provide for new bathroom and decks; remodel kitchen, breakfast room, toilet/powder room and add deck at 2nd floor; remodel garage to provide for new bathroom; add dwelling unit at 1st floor). APPLICATION NO. 2003/09/29/6087S. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 2-1-1 (Acting Vice President Saunders dissented, Commissioner Knox absent) to uphold the permit. Without a unanimous vote, OCA recommended a rescheduling to April 20, 2005.

SPEAKERS: Camille Hamilton, co-appellant; David Pating, co-appellant; Andrew Junius, attorney for permit holder; Francessca Pera, for appellant; Steve Artus, for appellant; Patricia O'Neil, for appellant; Andrew Norton, for appellant; Sandra Fewer, for appellant; Cliff Gardner, for permit holder; Daniel McGany, for permit holder; Marlin Gilbert, for permit holder; Debbie Curley, for permit holder; Jonas Ionin, PD.

There being no further business, Acting President Sugaya adjourned the meeting at 6:50 p.m.

Robert H Feld

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 6, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 578-592 Jersey Street. Permit revoked on November 16, 2004. Last day to appeal was December 1, 2004. Jurisdiction request received on February 23, 2005. Letter from William Abend, agent for Del-Camp Investments, requestor(s), asking that the Board take jurisdiction over the revocation of Building Permit Application No(s). 2004/01/27/4922. Reasons for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building.

(3B) REHEARING REQUEST:

Subject property at 454 – 17th Avenue. Letter from Esther Lau, appellant(s), requesting rehearing of Appeal No(s). 04-147 & 04-174, decided Feb. 16, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0 to uphold both permits on condition that the permit holder acoustically treat the bathrooms for appropriate sound isolation as required for new condominiums under the Building Code. Project: 1st permit, on single-family house, master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961. Project: 2nd permit, on single-family house, dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119. Permit Holder(s): Curt Sigfstead & Lara Witter.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Request to renew street-artist permit denied on May 19, 2004. Last day to appeal was June 3, 2004. Jurisdiction request received on March 16, 2005. Letter from Paula Datesh, requestor(s), asking that the Board take jurisdiction over the afore-mentioned action by the Arts Commission.

(3D) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 438 Clementina Street. Permit issued on September 17, 2004. Last day to appeal was October 4, 2004. Jurisdiction request received on March 18, 2005. Letter from Allison & Thomas Kohler, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2000/11/29/6742S. Permit Holder(s): Raul Arriaza. Project: construction of 6-story, 20-unit residential/commercial building with 5,625sf of ground floor area.

(3E) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 973-975 Guerrero Street. Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.
Note: Public hearing held March 30, 2005. For further consideration today.

(3F) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 04-201

HOADY FAMILY REVOCABLE TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	466 Paris Street. Appealing the imposition of penalty on Dec. 22, 2004, for work done without a permit (on a 3-unit residential building: legalization of work without permit; 2nd egress; no change of use; sprinkler permit will be obtained by contractor). APPLICATION NO. 2003/02/13/7441S. FOR HEARING TODAY.

(4B) **APPEAL NO. 05-026**

M.R. NAIR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	152 Bertita Street. Appeal for refund of penalty imposed on February 11, 2005, for work done without a permit (on single-family house: abate NOV No. 200232575; restore original condition approved on May 21, 1990; current owner does not know location of illegal rear addition that was started by previous owner). APPLICATION NO. 2005/02/11/5351. FOR HEARING TODAY.

(5) **APPEAL NO. 03-154**

ULYSSES NAPURI dba "LAST STOP SOUVENIR", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED ON 9/17/2003. PUBLIC HEARING HELD ON 12/10/2003. FOR FURTHER CONSIDERATION TODAY.

(6) **APPEAL NO. 04-160**

BUSH & OCTAVIA REALTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1801 Bush Street. Appealing the denial on October 6, 2004, of Permit to Erect a Sign (6' X 4' sign, 8" thick, 120lbs in weight, with 24sf of total surface area, and 20sf of advertising space). APPLICATION NO. 2004/06/08/5834. FOR HEARING TODAY.

(7) **APPEAL NO. 04-200**

CLAUDINE RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	21-23 Jersey Street. Appealing the denial on December 21, 2004, of Permit to Alter a Building (merge 2 units into single-family residence; remove partition walls at top and bottom of stairs and replace with guardrails; reference previous Building Permit Applications 2000/09/29/1932 & 2000/10/27/4285). APPLICATION NO. 2004/07/01/7869. FOR HEARING TODAY.

(8) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all Building Permit Applications associated with the subject property be suspended. Reason(s) for suspension: the Planning Department believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's actions per a Dec. 12, 2002 public hearing. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

(9) **APPEAL NO. V04-204**

ELIZABETH FREITAS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1915 Diamond Street. Appealing the denial on December 16, 2004, of Minimum Lot Area & Rear Yard Variances (proposal is to subdivide an existing through lot of approximately 4,322sf in area into two separate lots). VARIANCE CASE NO. 2004.1108V. FOR HEARING TODAY.

ITEMS (10A), (10B), (10C), (10D), (10E), (10F), & (10G) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(11) **APPEAL NO. 05-027**

ROBERTO & JOSEPHINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	452 Wilde Avenue. Protesting the issuance on February 2, 2005, to M.E. Godinet, Permit to Alter a Building (on single-family house: rebuild deck, replace in-kind using existing footings; comply with NOV No. 200557087). APPLICATION NO. 2005/02/02/4573. FOR HEARING TODAY.

(12) **APPEAL NO. 05-028**

OSWALD COUSINS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	837-839 Hayes Street. Appealing the denial on February 9, 2005, of Permit to Alter a Building (correct the record to reflect two legal existing units; no work proposed). APPLICATION NO. 2004/04/28/2525. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 31st, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	ACTING PRESIDENT
SABRINA N. SAUNDERS	ACTING VICE PRESIDENT
FRANK FUNG	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 6, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting President Hisashi Sugaya, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Acting Vice President Sabrina Saunders and Commissioner Frank Fung.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 578-592 Jersey Street. Permit revoked on November 16, 2004. Last day to appeal was December 1, 2004. Jurisdiction request received on February 23, 2005. Letter from William Abend, agent for Del-Camp Investments, requestor(s), asking that the Board take jurisdiction over the revocation of Building Permit Application No(s). 2004/01/27/4922. Reasons for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building.

ACTION: Rescheduled to June 8, 2005 due to lack of quorum.

(3B) REHEARING REQUEST:

Subject property at 454 – 17th Avenue. Letter from Esther Lau, appellant(s), requesting rehearing of Appeal No(s). 04-147 & 04-174, decided Feb. 16, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0 to uphold both permits on condition that the permit holder acoustically treat the bathrooms for appropriate sound isolation as required for new condominiums under the Building Code. Project: 1st permit, on single-family house, master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961. Project: 2nd permit, on single-family house, dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119. Permit Holder(s): Curt Sigfstead & Lara Witter.

ACTION: Rescheduled to April 13, 2005 due to lack of quorum.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Request to renew street-artist permit denied on May 19, 2004. Last day to appeal was June 3, 2004. Jurisdiction request received on March 16, 2005. Letter from Paula Datesh, requestor(s), asking that the Board take jurisdiction over the afore-mentioned action by the Arts Commission.

ACTION: Rescheduled to April 20, 2005 due to lack of quorum.

(3D) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 438 Clementina Street. Permit issued on September 17, 2004. Last day to appeal was October 4, 2004. Jurisdiction request received on March 18, 2005. Letter from Allison & Thomas Kohler, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2000/11/29/6742S. Permit Holder(s): Raul Arriaza. Project: construction of 6-story, 20-unit residential/commercial building with 5,625sf of ground floor area.

ACTION: Rescheduled to April 13, 2005 due to lack of quorum.

(3E) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 973-975 Guerrero Street. Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.
Note: Public hearing held March 30, 2005. For further consideration today.

ACTION: Rescheduled to April 20, 2005 due to lack of quorum.

(3F) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

ACTION: Rescheduled to April 20, 2005 due to lack of quorum.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 04-201

HOADY FAMILY REVOCABLE TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	466 Paris Street. Appealing the imposition of penalty on Dec. 22, 2004, for work done without a permit (on a 3-unit residential building: legalization of work without permit; 2nd egress; no change of use; sprinkler permit will be obtained by contractor). APPLICATION NO. 2003/02/13/7441S. FOR HEARING TODAY.

ACTION: Rescheduled to May 4, 2005 due to lack of quorum.

(4B) APPEAL NO. 05-026

M.R. NAIR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	152 Bertita Street. Appeal for refund of penalty imposed on February 11, 2005, for work done without a permit (on single-family house: abate NOV No. 200232575; restore original condition approved on May 21, 1990; current owner does not know location of illegal rear addition that was started by previous owner). APPLICATION NO. 2005/02/11/5351. FOR HEARING TODAY.

ACTION: Rescheduled to May 4, 2005 due to lack of quorum.

(5) APPEAL NO. 03-154

ULYSSES NAPURI dba "LAST STOP SOUVENIR", Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED ON 9/17/2003. PUBLIC HEARING HELD ON 12/10/2003. FOR FURTHER CONSIDERATION TODAY.

ACTION: Rescheduled to June 8, 2005 due to lack of quorum.

(6) APPEAL NO. 04-160

BUSH & OCTAVIA REALTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1801 Bush Street. Appealing the denial on October 6, 2004, of Permit to Erect a Sign (6' X 4' sign, 8" thick, 120lbs in weight, with 24sf of total surface area, and 20sf of advertising space). APPLICATION NO. 2004/06/08/5834. FOR HEARING TODAY.

ACTION: Rescheduled to April 13, 2005 due to lack of quorum.

(7) APPEAL NO. 04-200

CLAUDINE RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	21-23 Jersey Street. Appealing the denial on December 21, 2004, of Permit to Alter a Building (merge 2 units into single-family residence; remove partition walls at top and bottom of stairs and replace with guardrails; reference previous Building Permit Applications 2000/09/29/1932 & 2000/10/27/4285). APPLICATION NO. 2004/07/01/7869. FOR HEARING TODAY.

ACTION: Rescheduled to May 4, 2005 due to lack of quorum.

(8) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all Building Permit Applications associated with the subject property be suspended. Reason(s) for suspension: the Planning Department believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's actions per a Dec. 12, 2002 public hearing. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

ACTION: Rescheduled to June 1, 2005 due to lack of quorum.

(9) **APPEAL NO. V04-204**

ELIZABETH FREITAS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1915 Diamond Street. Appealing the denial on December 16, 2004, of Minimum Lot Area & Rear Yard Variances (proposal is to subdivide an existing through lot of approximately 4,322sf in area into two separate lots). VARIANCE CASE NO. 2004.1108V. FOR HEARING TODAY.

ACTION: Rescheduled to May 18, 2005 due to lack of quorum.

ITEMS (10A), (10B), (10C), (10D), (10E), (10F), & (10G) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(10G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

ACTION: All 7 appeals rescheduled to June 1, 2005 due to lack of quorum.

(11) **APPEAL NO. 05-027**

ROBERTO & JOSEPHINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	452 Wilde Avenue. Protesting the issuance on February 2, 2005, to M.E. Godinet, Permit to Alter a Building (on single-family house: rebuild deck, replace in-kind using existing footings; comply with NOV No. 200557087). APPLICATION NO. 2005/02/02/4573. FOR HEARING TODAY.

ACTION: Rescheduled to June 1, 2005 due to lack of quorum.

(12) **APPEAL NO. 05-028**

OSWALD COUSINS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	837-839 Hayes Street. Appealing the denial on February 9, 2005, of Permit to Alter a Building (correct the record to reflect two legal existing units; no work proposed). APPLICATION NO. 2004/04/28/2525. FOR HEARING TODAY.

ACTION: Rescheduled to May 18, 2005 due to lack of quorum.

There being no further business, Acting President Sugaya adjourned the meeting at 5:35 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 13, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1401-1409 Castro Street. Permit issued on August 2, 2004. Last day to appeal was August 17, 2004. Jurisdiction request received February 14, 2005. Letter from Eric McFarland, attorney for Chloe Alexander, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/08/02/0401. Project: on apartment building with commercial, storage room into laundry room at ground floor. Permit Holder(s): Isa Muhawieh.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1401-1409 Castro Street. Revised letter of determination issued on October 20, 2004. Last day to appeal was November 4, 2004. Jurisdiction request received February 14, 2005. Letter from Eric McFarland, attorney for Chloe Alexander, requestor(s), asking that the Board take jurisdiction over a Zoning Administrator letter of determination which states that the legal use of the units on the subject property is as follows: one personal services commercial use on the ground floor of the main building (1401 Castro St.), one legal dwelling unit on the second floor of the main building (395 Jersey St.), and one legal dwelling unit in the small building or cottage at the rear of the property fronting Castro Street (1409 Castro Street); and that the permit history for the subject property is limited and provides no clear evidence that the space at 1401 Castro Street was legally subdivided to create 1403 Castro Street with a dwelling unit contained therein. Subject Property Owner(s): Isa Muhawieh.

(3C) **REHEARING REQUEST:**

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-105, Schoenbrun vs. DBI, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject permit. Project: on apartment building with commercial, storage room into laundry room at ground floor. Permit Holder(s): Isa Muhawieh.

(3D) **REHEARING REQUEST:**

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-166, Schoenbrun vs. ZA, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject determination (as described in Item 3D). Subject Property Owner(s): Isa Muhawieh.

(3E) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 567 Sanchez Street. Permit issued on October 29, 2004. Last day to appeal was November 15, 2004. Jurisdiction request received on March 31, 2005. Letter from Gerard Chang, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/07/31/2759. Permit Holder: Ed Hardy. Project: construction of 3-story single-family house with 1,168sf of ground floor area.

(3F) **ADOPTION OF FINDINGS:**

Subject property at 1234-1268 Grant Avenue. Appeal No(s). 04-183, Wong vs. DBI, PDA, decided January 19, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit on condition that a Notice of Special Restrictions (NSR) be recorded on the land records. Permit Holder: Chris Foley. Project: non-load bearing partitions on 1st and 2nd floors.

(3G) **REHEARING REQUEST:**

Subject property at 454 – 17th Avenue. Letter from Esther Lau, appellant(s), requesting rehearing of Appeal No(s). 04-147 & 04-174, decided Feb. 16, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0 to uphold both permits on condition that the permit holder acoustically treat the bathrooms for appropriate sound isolation as required for new condominiums under the Building Code. Project: 1st permit, on single-family house, master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961. Project: 2nd permit, on single-family house, dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119. Permit Holder(s): Curt Sigfstead & Lara Witter.

(3H) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 438 Clementina Street. Permit issued on September 17, 2004. Last day to appeal was October 4, 2004. Jurisdiction request received on March 18, 2005. Letter from Allison & Thomas Kohler, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2000/11/29/6742S. Permit Holder(s): Raul Arriaza. Project: construction of 6-story, 20-unit residential/commercial building with 5,625sf of ground floor area.

(4) **APPEAL NO. 04-035**

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD AUG. 18, 2004. FOR FURTHER CONSIDERATION TODAY.

(5) **APPEAL NO. 04-075**

MICHAEL RABBITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	141 Willard Street North. Appealing the denial on July 8, 2004 of Permit to Erect a Building (4-story, 2-unit building with 1,862sf of ground floor area). APPLICATION NO. 2003/05/22/5280S. FOR HEARING TODAY. **Note:** On December 8, 2004, the Board voted 5-0 to overrule the Planning Commission's denial of the demolition permit, and grant the demolition permit on condition that it be held in abeyance until the permit for the replacement structure is approved, and with a finding that a soundness report has been submitted which meets the 50 percent rule under the Planning Commission's residential demolition guidelines.

(6) **APPEAL NO. 04-192**

JOANNE & DENIS DRISCOLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	111 Country Club Drive. Protesting the issuance on December 2, 2004, to Joe & Maria Bonkowski, Site Permit to Alter a Building (on single-family house: demolish existing 1st floor roof; add a 600sf 2nd floor addition over part of existing 1st floor; addition will include 2 bedrooms and 1 bathroom). APPLICATION NO. 2003/08/08/1594S. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 9, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

(7) **APPEAL NO. V05-016**

SEAN WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1520-1530 Larkin Street. Appealing the denial on January 19, 2005, of Lot Size Variance (split the existing lot, which measures 40' wide and 133' deep and contains one 6-unit building, into two lots that would each be less than 25' wide; each lot would contain one 3-unit building). VARIANCE CASE NO. 2004.0679V. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 30, 2005. BOARD INDICATED INTENTION TO OVERRULE DENIAL OF VARIANCE. FOR FURTHER CONSIDERATION & ADOPTION OF FINDINGS TODAY.

(8) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. FOR HEARING TODAY.

(9) **APPEAL NO. 04-160**

BUSH & OCTAVIA REALTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1801 Bush Street. Appealing the denial on October 6, 2004, of Permit to Erect a Sign (6' X 4' sign, 8" thick, 120lbs in weight, with 24sf of total surface area, and 20sf of advertising space). APPLICATION NO. 2004/06/08/5834. FOR HEARING TODAY.

(10) **APPEAL NO. 04-173**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	323 – 26th Avenue. Appealing a Notice of Decision by Dept. of Building Inspection Acting Director Jim Hutchinson, dated November 5, 2004, addressed to Leung to Chow and Chris Moscone, which states that an unlawful residential demolition has taken place at the subject property within the meaning of San Francisco Building Code §§ 103.3, 103.3.1, and 103.3.2, that Building Permit Application No(s). 2002/03/11/1078S1-5 & 2004/05/18/4138 are hereby revoked, and that a 5-year moratorium on the issuance of building permits is hereby imposed pursuant to San Francisco Building Code § 103.3.1. FOR HEARING TODAY.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 04-186**

ARKADY PIKOVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	261 – 26th Avenue. Appealing the denial on December 8, 2004, of Permit to Demolish a Building (2-story, 2-unit residential building with 1,163sf of ground floor area). APPLICATION NO. 2003/01/10/4988. FOR HEARING TODAY.

(11B) **APPEAL NO. 04-187**

ARKADY PIKOVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	261 – 26th Avenue. Appealing the denial on December 8, 2004, of Site Permit to Erect a Building (4-story, 3-unit residential building with 2,070sf of ground floor area). APPLICATION NO. 2003/01/10/4991S. FOR HEARING TODAY.

(12) **APPEAL NO. 04-188**

PETER OVERMIRE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a determination dated November 29, 2004, addressed to Alice Barkley at Luce Forward LLP, that since the Certificate of Appropriateness pursuant to Planning Commission Motion No. 16086 is predicated on a specific permit (Building Permit Application No. 9710066S), and since this permit is still valid, then the Certificate of Appropriateness is still valid. FOR HEARING TODAY.

(13) **APPEAL NO. V04-193**

CAROL & DENNIS HAMBY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 – 1402 Cole Street. Protesting the granting on December 6, 2004, to Edward Morris (Subject Property Owners Adel Mohammed Shalabi & Laura Fiene), Rear Yard, Usable Open Space & Non-complying Structure Variances (proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building. VARIANCE CASE NO. 2003.0639V. FOR HEARING TODAY.

(14) **APPEAL NO. 04-205**

JIM BUKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	515 Vermont Street. Protesting the issuance on December 13, 2004, to Nick Wemyss, Permit to Alter a Building (on single-family house: add roof deck over existing roof; change existing window to sliding door on 2nd floor). APPLICATION NO. 2004/12/13/1237. FOR HEARING TODAY.

(15) **APPEAL NO. 04-206**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 Pennsylvania Avenue. Appealing a Notice of Violation dated December 13, 2004, addressed to Tripe A Machine Shop Inc. & Viacom Outdoor, that the general advertising sign on the subject property is taller than 25 feet in height, that the face of the sign is larger than 1,344sf in size, and that the sign faces the freeway; these conditions do not comply with approved sign application no. 2000/09/22/1332, which in turn violates Planning Code § 174. FOR HEARING TODAY.

(16) **APPEAL NO. 05-001**

DARRAGH KENNEDY & YVONNE CURLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1185 Valencia Street. Protesting the issuance on December 23, 2004, to Brenden Robinson, Site Permit to Alter a Building (on 2-unit residential building: raise building approximately 22" to put in new 2-car garage and extra room down for lower unit (internal stair will be provided); plumbing, electrical and mechanical upgrades). APPLICATION NO. 2004/02/12/6237S. FOR HEARING TODAY.

(17) **APPEAL NO. 05-004**

L-J SF INVESTMENTS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1635 California Street. Appealing a determination dated December 23, 2004, addressed to Leo Cassidy, that since a building permit has already been issued for the project (7-story building with 36 dwelling units, ground floor retail or commercial space of up to 4,950sf, and 2 floors of underground parking with up to 53 off-street parking spaces), the in-lieu fee option under Planning Code §315.6 is no longer available for this project, and that the required affordable units must either be provided on-site or off-site as set forth under Planning Code § 315. APPLICATION NO. FOR HEARING TODAY.

(18) **APPEAL NO. 05-008**

WALTER FINCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	555 Buena Vista West. Appealing the denial on Jan. 18, 2005, of Permit to Alter a Building (on 41-unit apartment building: window replacement, remainder of all units; all sides except non-weather exposed front of building). APPLICATION NO. 2004/09/20/4587. FOR HEARING TODAY.

(19) **APPEAL NO. V05-010**

DANIEL SILVIA & THOMAS CHEEK, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3775 – 21st Street. Protesting the granting on January 10, 2005, to Wessel Associates (Dewey Tong Revocable Trust & Keith Grenzeback, Subject Property Owners), Front Setback & Rear Yard Variances (construction of a 3rd story vertical addition at the existing 2-story single-family dwelling). VARIANCE CASE NO. 2004.0466V. FOR HEARING TODAY.

(20) **APPEAL NO. 05-034**

LINA RADAVERO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1695 – 25th Avenue. Protesting the issuance on February 22, 2005, to Donna & Henry Jung, Site Permit to Alter a Building (on 2-unit building: 3rd floor addition). APPLICATION NO. 2003/10/16/7721S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 7th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**ACTING PRESIDENT**
SABRINA N. SAUNDERS	**ACTING VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

SAN FRANCISCO
BOARD OF APPEALS
1660 MISSION ST. #3036
SAN FRANCISCO, CA 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 13, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Acting President Hisashi Sugaya, Acting Vice President Sabrina Saunders, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (DCA OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1401-1409 Castro Street. Permit issued on August 2, 2004. Last day to appeal was August 17, 2004. Jurisdiction request received February 14, 2005. Letter from Eric McFarland, attorney for Chloe Alexander, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/08/02/0401. Project: on apartment building with commercial, storage room into laundry room at ground floor. Permit Holder(s): Isa Muhawieh.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to deny the request for jurisdiction.

SPEAKERS: Andrew Zacks, attorney for requestor; Steven MacDonald, attorney for permit holder; Lawrence Kornfield, DBI.

(3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1401-1409 Castro Street. Revised letter of determination issued on October 20, 2004. Last day to appeal was November 4, 2004. Jurisdiction request received February 14, 2005. Letter from Eric McFarland, attorney for Chloe Alexander, requestor(s), asking that the Board take jurisdiction over a Zoning Administrator letter of determination which states that the legal use of the units on the subject property is as follows: one personal services commercial use on the ground floor of the main building (1401 Castro St.), one legal dwelling unit on the second floor of the main building (395 Jersey St.), and one legal dwelling unit in the small building or cottage at the rear of the property fronting Castro Street (1409 Castro Street); and that the permit history for the subject property is limited and provides no clear evidence that the space at 1401 Castro Street was legally subdivided to create 1403 Castro Street with a dwelling unit contained therein. Subject Property Owner(s): Isa Muhawieh.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to deny the jurisdiction.

SPEAKERS: Andrew Zacks, attorney for requestor; Steven MacDonald, attorney for permit holder; Lawrence Kornfield, DBI.

(3C) **REHEARING REQUEST:**

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-105, Schoenbrun vs. DBI, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject permit. Project: on apartment building with commercial, storage room into laundry room at ground floor. Permit Holder(s): Isa Muhawieh.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request for rehearing.

SPEAKERS: Andrew Zacks, attorney for appellant; Steven MacDonald, attorney for permit holder.

(3D) **REHEARING REQUEST:**

Subject property at 1401-1409 Castro Street. Letter from Eric McFarland, attorney for Mitchell Schoenbrun, appellant(s), requesting rehearing of Appeal No(s). 04-166, Schoenbrun vs. ZA, decided Feb. 2, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0 to uphold the subject determination (as described in Item 3D). Subject Property Owner(s): Isa Muhawieh.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to deny the request for rehearing.

SPEAKERS: Andrew Zacks, attorney for appellant; Steven MacDonald, attorney for permit holder.

(3E) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 567 Sanchez Street. Permit issued on October 29, 2004. Last day to appeal was November 15, 2004. Jurisdiction request received on March 31, 2005. Letter from Gerard Chang, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2002/07/31/2759. Permit Holder: Ed Hardy. Project: construction of 3-story single-family house with 1,168sf of ground floor area.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to deny the request for jurisdiction.

SPEAKERS: Gerard Chang, requestor; David Cincotta, attorney for permit holder.

(3F) ADOPTION OF FINDINGS:

Subject property at 1234-1268 Grant Avenue. Appeal No(s). 04-183, Wong vs. DBI, PDA, decided January 19, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject permit on condition that a Notice of Special Restrictions (NSR) be recorded on the land records. Permit Holder: Chris Foley. Project: non-load bearing partitions on 1st and 2nd floors.

ACTION: Upon motion by Acting President Sugaya, the Board voted 5-0 to adopt the findings as amended.

SPEAKERS: Alice Barkley, attorney for permit holder; Rebecca Bedwell-Coll, attorney for appellant.

(3G) REHEARING REQUEST:

Subject property at 454 – 17th Avenue. Letter from Esther Lau, appellant(s), requesting rehearing of Appeal No(s). 04-147 & 04-174, decided Feb. 16, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0 to uphold both permits on condition that the permit holder acoustically treat the bathrooms for appropriate sound isolation as required for new condominiums under the Building Code. Project: 1st permit, on single-family house, master bath addition; bathroom renovation on 3rd floor to comply with NOV No. 200453961. Project: 2nd permit, on single-family house, dry rot framing and siding repair, refer to Building Permit Application No. 2004/10/01/5795 and NOV No. 200455119. Permit Holder(s): Curt Sigfstead & Lara Witter.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 5-0 to deny the requests for rehearing.

SPEAKERS: Esther Lau, appellant; Clint Callan, attorney for permit holder.

(3H) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 438 Clementina Street. Permit issued on September 17, 2004. Last day to appeal was October 4, 2004. Jurisdiction request received on March 18, 2005. Letter from Allison & Thomas Kohler, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2000/11/29/6742S. Permit Holder(s): Raul Arriaza. Project: construction of 6-story, 20-unit residential/commercial building with 5,625sf of ground floor area.

ACTION: Upon motion by Acting President Sugaya, the Board voted 5-0 to deny the request for jurisdiction.

SPEAKERS: Stanley Riddell, attorney for requestors.

(4) APPEAL NO. 04-035

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD AUG. 18, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 4-0-1 (Commissioner Garcia recused) to continue the hearing to June 8, 2005.

SPEAKERS: Leo McFadden, DBI; Archie Clanizio, attorney for appellant; Jerry Threet, OCA.

(5) **APPEAL NO. 04-075**

MICHAEL RABBITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	141 Willard Street North. Appealing the denial on July 8, 2004 of Permit to Erect a Building (4-story, 2-unit building with 1,862sf of ground floor area). APPLICATION NO. 2003/05/22/5280S. FOR HEARING TODAY. **Note:** On December 8, 2004, the Board voted 5-0 to overrule the Planning Commission's denial of the demolition permit, and grant the demolition permit on condition that it be held in abeyance until the permit for the replacement structure is approved, and with a finding that a soundness report has been submitted which meets the 50 percent rule under the Planning Commission's residential demolition guidelines.

ACTION: Upon motion by Acting President Sugaya, the Board voted 5-0 to overrule the denial, grant the permit on the conditions that (a) the proposed property line windows be of frosted glass; and (b). that the balcony screens be 4 ft. 6 inches tall.

SPEAKERS: Tony Pantaleoni, agent for appellant; Jonas Ionin, PD.

PUBLIC COMMENT: Cheryl Duperrault proposed doesn't fit into neighborhood and she wants two stories at most. Greg McConnell opposes project because it will block views and light.

(6) **APPEAL NO. 04-192**

JOANNE & DENIS DRISCOLL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	111 Country Club Drive. Protesting the issuance on December 2, 2004, to Joe & Maria Bonkowski, Site Permit to Alter a Building (on single-family house: demolish existing 1st floor roof; add a 600sf 2nd floor addition over part of existing 1st floor; addition will include 2 bedrooms and 1 bathroom). APPLICATION NO. 2003/08/08/1594S. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 9, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia recused) to uphold the subject permit.

SPEAKERS: None.

(7) **APPEAL NO. V05-016**

SEAN WHELAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1520-1530 Larkin Street. Appealing the denial on January 19, 2005, of Lot Size Variance (split the existing lot, which measures 40' wide and 133' deep and contains one 6-unit building, into two lots that would each be less than 25' wide; each lot would contain one 3-unit building). VARIANCE CASE NO. 2004.0679V. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 30, 2005. BOARD INDICATED INTENTION TO OVERRULE DENIAL OF VARIANCE. FOR FURTHER CONSIDERATION & ADOPTION OF FINDINGS TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Garcia recused) to overrule the denial and grant the variance and adopt the findingss as amended.

SPEAKERS: Jonas Ionin, PD; Jeremy Paul, agent for appellant.

(8) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. FOR HEARING TODAY.

ACTION: Upon motion Commissioner Fung, the Board voted 4-1 (Acting President Sugaya dissented) to continue the matter to July 13, 2005, and with no more continuances.

SPEAKERS: Jonas Ionin, PD; Suzan Yee, attorney for appellant; Bill Abend, agent for appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 04-160**

BUSH & OCTAVIA REALTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1801 Bush Street. Appealing the denial on October 6, 2004, of Permit to Erect a Sign (6' X 4' sign, 8" thick, 120lbs in weight, with 24sf of total surface area, and 20sf of advertising space). APPLICATION NO. 2004/06/08/5834. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the matter to May 18, 2005, and on condition that sign be turned off in the interim.

SPEAKERS: Brett Gladstone, attorney for appellant; Stephan Williams, attorney for neighbors, who requested that sign be turned off if matter was continued.

(10) **APPEAL NO. 04-173**

LEUNG TO CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	323 – 26th Avenue. Appealing a Notice of Decision by Dept. of Building Inspection Acting Director Jim Hutchinson, dated November 5, 2004, addressed to Leung to Chow and Chris Moscone, which states that an unlawful residential demolition has taken place at the subject property within the meaning of San Francisco Building Code §§ 103.3, 103.3.1, and 103.3.2, that Building Permit Application No(s). 2002/03/11/1078S1-5 & 2004/05/18/4138 are hereby revoked, and that a 5-year moratorium on the issuance of building permits is hereby imposed pursuant to San Francisco Building Code § 103.3.1. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 5-0 to overrule the DBI NOD, with appellant's attorney to prepare findings for adoption on April 20, 2005.

SPEAKERS: Laurence Kornfield, DBI; Lina Guillen, attorney for appellant; Robin Chiang, agent for appellant; Rodrigo Santos, agent for appellant; Jonas Ionin, PD.

PUBLIC COMMENT: None.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 04-186**

ARKADY PIKOVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	261 – 26th Avenue. Appealing the denial on December 8, 2004, of Permit to Demolish a Building (2-story, 2-unit residential building with 1,163sf of ground floor area). APPLICATION NO. 2003/01/10/4988. FOR HEARING TODAY.

(11B) **APPEAL NO. 04-187**

ARKADY PIKOVSKY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	261 – 26th Avenue. Appealing the denial on December 8, 2004, of Site Permit to Erect a Building (4-story, 3-unit residential building with 2,070sf of ground floor area). APPLICATION NO. 2003/01/10/4991S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denials, and grant the demo and site permit with conditions as proposed by the Planning Department, and with findings to be adopted on April 20, 2005.

SPEAKERS: Arkady Pikovsky, appellant; Brett Gladstone, attorney for appellant; Lawrence Badiner, ZA.

PUBLIC COMMENT: Amail Ali, Polina Morgorsokaya, Marina Kripnik, spoke in support of appellant and described his family's needs.

(12) **APPEAL NO. 04-188**

PETER OVERMIRE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a determination dated November 29, 2004, addressed to Alice Barkley at Luce Forward LLP, that since the Certificate of Appropriateness pursuant to Planning Commission Motion No. 16086 is predicated on a specific permit (Building Permit Application No. 9710066S), and since this permit is still valid, then the Certificate of Appropriateness is still valid. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 4-0-1 (Acting President Sugaya recused) to reschedule the hearing to April 20, 2005.

SPEAKERS: Alice Barkley, attorney for SPO; Roger Beers, attorney for appellant; Jonas Ionin, PD.

(13) **APPEAL NO. V04-193**

CAROL & DENNIS HAMBY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 – 1402 Cole Street. Protesting the granting on December 6, 2004, to Edward Morris (Subject Property Owners Adel Mohammed Shalabi & Laura Fiene), Rear Yard, Usable Open Space & Non-complying Structure Variances (proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building. VARIANCE CASE NO. 2003.0639V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to reschedule the hearing to May 18, 2005.

SPEAKERS: Rebecca Bedwell-Coll, attorney for appellant.

(14) **APPEAL NO. 04-205**

JIM BUKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	515 Vermont Street. Protesting the issuance on December 13, 2004, to Nick Wemyss, Permit to Alter a Building (on single-family house: add roof deck over existing roof; change existing window to sliding door on 2nd floor). APPLICATION NO. 2004/12/13/1237. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the hearing to August 17, 2005 at the written request of the parties.

(15) **APPEAL NO. 04-206**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 Pennsylvania Avenue. Appealing a Notice of Violation dated December 13, 2004, addressed to Tripe A Machine Shop Inc. & Viacom Outdoor, that the general advertising sign on the subject property is taller than 25 feet in height, that the face of the sign is larger than 1,344sf in size, and that the sign faces the freeway; these conditions do not comply with approved sign application no. 2000/09/22/1332, which in turn violates Planning Code § 174. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the hearing to June 8, 2005 at the written request of the parties.

(16) **APPEAL NO. 05-001**

DARRAGH KENNEDY & YVONNE CURLEY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1185 Valencia Street. Protesting the issuance on December 23, 2004, to Brenden Robinson, Site Permit to Alter a Building (on 2-unit residential building: raise building approximately 22" to put in new 2-car garage and extra room down for lower unit (internal stair will be provided); plumbing, electrical and mechanical upgrades). APPLICATION NO. 2004/02/12/6237S. FOR HEARING TODAY.

ACTION: Upon motion by Acting President Sugaya, the Board voted 5-0 to uphold the permit on condition that the existing closet in the appellant's apartment be returned to the current configuration, and that a floor be constructed above the interior staircase to allow for the previous condition to be executed.

SPEAKERS: Danaugh Kennedy, co-appellant; David Cincotta, attorney for permit holder; Brenden Robinson, permit holder; Valerie Coshnear, for appellant; Steven Pomianowski, for appellant; Jonas Ionin, PD; Laurence Kornfield, DBI; Eddie Mullins, for permit holder; Brian McGee, for permit holder.

(17) **APPEAL NO. 05-004**

L-J SF INVESTMENTS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1635 California Street. Appealing a determination dated December 23, 2004, addressed to Leo Cassidy, that since a building permit has already been issued for the project (7-story building with 36 dwelling units, ground floor retail or commercial space of up to 4,950sf, and 2 floors of underground parking with up to 53 off-street parking spaces), the in-lieu fee option under Planning Code §315.6 is no longer available for this project, and that the required affordable units must either be provided on-site or off-site as set forth under Planning Code § 315. APPLICATION NO. FOR HEARING TODAY.

ACTION: Withdrawn by the appellant.

(18) **APPEAL NO. 05-008**

WALTER FINCH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	555 Buena Vista West. Appealing the denial on Jan. 18, 2005, of Permit to Alter a Building (on 41-unit apartment building: window replacement, remainder of all units; all sides except non-weather exposed front of building). APPLICATION NO. 2004/09/20/4587. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the hearing to June 8, 2005.

SPEAKERS: Jonas Ionin, PD; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: Richard Magary said that existing windows are worn out. Mark Thomas read a letter from supporters of the appellant.

(19) **APPEAL NO. V05-010**

DANIEL SILVIA & THOMAS CHEEK, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3775 – 21st Street. Protesting the granting on January 10, 2005, to Wessel Associates (Dewey Tong Revocable Trust & Keith Grenzeback, Subject Property Owners), Front Setback & Rear Yard Variances (construction of a 3rd story vertical addition at the existing 2-story single-family dwelling). VARIANCE CASE NO. 2004.0466V. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice President Saunders, the Board voted 2-3 (Acting President Sugaya, and Commissioners Fung and Garcia dissented) to reschedule the hearing to May 18, 2005. Motion failed, and the matter went forward. Afterwards, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the variance with conditions as presented by the variance holder's attorney, and with adoption of the ZA's findings.

SPEAKERS: Laurence Badiner, ZA; Phil Matthews, for variance holder; Donald Stroh, for appellants; John Ginsti, for appellants; Bill Burke, for appellants; Mark Thomas, for variance holder; Barbara Barnard, for appellants; Kyle Childress, for variance holder; Stephen Holman, for variance holder; Kenneth Jung, for variance holder; Rod Wessel, agent for variance holder.

(20) **APPEAL NO. 05-034**

LINA RADAVERO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1695 – 25th Avenue. Protesting the issuance on February 22, 2005, to Donna & Henry Jung, Site Permit to Alter a Building (on 2-unit building: 3rd floor addition). APPLICATION NO. 2003/10/16/7721S. FOR HEARING TODAY.

ACTION: Upon motion by Acting Vice Presdient Saunders, the Board voted 5-0 to uphold the permit.

SPEAKERS: Lina Radvero, appellant; Holga Menendez, architect for permit holder; Donna Jung, co-permit holder; Linda Radavero, daughter of appellant; Francessca Baroni, for appellant; Henry Jung, co-permit holder; Jonas Ionin, PD.

There being no further business, Acting President Sugaya adjourned the meeting at 11:40 pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 20, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

DOCUMENTS DEPT.
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SAN FRANCISCO
PUBLIC LIBRARY
04-18-05A10:45 RCV

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Request to renew street-artist permit denied on May 19, 2004. Last day to appeal was June 3, 2004. Jurisdiction request received on March 16, 2005. Letter from Paula Datesh, requestor(s), asking that the Board take jurisdiction over the afore-mentioned action by the Arts Commission.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 973-975 Guerrero Street. Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.
Note: Public hearing held March 30, 2005. For further consideration today.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

(3D) ADOPTION OF FINDINGS:

Subject property at 323 – 26th Avenue. Appeal No(s). 04-173, Chow vs. DBI, decided April 13, 2005. At that time, upon motion by Acting President Sugaya, the Board voted 5-0 to overrule the Notice of Decision by Acting DBI Director Jim Hutchinson, and for findings to be adopted on April 20, 2005. NOD: an unlawful residential demolition has taken place at the subject property within the meaning of San Francisco Building Code §§ 103.3, 103.3.1, and 103.3.2, that Building Permit Application No(s). 2002/03/11/1078S1-5 & 2004/05/18/4138 are hereby revoked, and that a 5-year moratorium on the issuance of building permits is hereby imposed pursuant to San Francisco Building Code § 103.3.1.

(3E) ADOPTION OF FINDINGS:

Subject property at 261 – 26th Avenue. Appeal No(s). 04-186/187, Pikovsky vs. DBI, PCD, decided April 13, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denials by the Planning Commission, and grant the demolition permit and site permit with conditions as proposed by the Planning Department, and with findings to be adopted on April 20, 2005. Project: demolition of 2-story, 2-unit residential building with 1,163sf of ground floor area, and construction of 4-story, 3-unit residential building with 2,070sf of ground floor area.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 05-013

MARCIA POPE & JEFF RUBIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2815 Pine Street. Appeal for refund of penalty imposed on Jan. 12, 2005 for work done without a permit (on single-family house: remove illegal unit on ground floor per NOV no. 199602226; add bathroom at 3rd floor; remodel kitchen at 2nd floor; remodel bathroom and laundry at 2nd floor). APPLICATION NO. 2005/01/07/2786. FOR HEARING TODAY.

(5) **APPEAL NO. 04-132**

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. **Note:** On Feb. 2, 2005, the Board voted 3-1 to overrule the subject determination with a finding that the current use of the subject property is not office use, and instead resembles an arts activity under the Planning Code. On March 9, 2005, the Board voted 3-0 to grant the Zoning Administrator's rehearing request, and to set the rehearing for March 30, 2005. FOR REHEARING TODAY.

(6) **APPEAL NO. 04-190**

DAMIEN GREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1433 Haight Street. Protesting the issuance on December 1, 2004, to Kenneth Epstein, Permit to Alter a Building (on an apartment building: corrections related to NOV No. 200452370; remove rear southwest deck installed without permit). APPLICATION NO. 2004/12/01/0488. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 9, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

(7) **APPEAL NO. 05-022**

CAMILLE HAMILTON & DAVID PATING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	755 – 22nd Avenue. Protesting the issuance on January 13, 2005 (neighborhood notification reissued Feb. 1, 2005 by DBI's Central Permit Bureau), to Jeffery Nemy & Betsy Erickson, Permit to Alter a Building (on single-family house: add 6' addition with decks to rear of building as shown on drawings; remodel 3rd floor to provide for new bathroom and decks; remodel kitchen, breakfast room, toilet/powder room and add deck at 2nd floor; remodel garage to provide for new bathroom; add dwelling unit at 1st floor). APPLICATION NO. 2003/09/29/6087S. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 30, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

(8) **APPEAL NO. 04-188**

PETER OVERMIRE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a determination dated November 29, 2004, addressed to Alice Barkley at Luce Forward LLP, that since the Certificate of Appropriateness pursuant to Planning Commission Motion No. 16086 is predicated on a specific permit (Building Permit Application No. 9710066S), and since this permit is still valid, then the Certificate of Appropriateness is still valid. FOR HEARING TODAY.

(9) **APPEAL NO. 05-005**

TIMOTHY BLAINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3330 Pierce Street. Appealing the denial on Nov. 10, 2004, of Permit to Alter a Building (on 21-unit apartment building: replace all exterior windows). APPLICATION NO. 2004/09/01/3110. FOR HEARING TODAY.

(10) **APPEAL NO. 05-012**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated January 11, 2005, addressed to Charles Marsteller & Nancy Gin, concerning broader procedural issues related to the approved mixed-use development project at the subject property and proposed modifications to this approved project by the new property owner. FOR HEARING TODAY.

(11) **APPEAL NO. 05-035**

SPRINT PCS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2350 Turk Street. Appealing a Permit Suspension Request dated February 8, 2005, addressed to Acting Director Jim Hutchinson of the Dept. of Building Inspection, asking that Building Permit Application No(s). 2004/01/30/5271 be suspended because it was approved in error by the Planning Department without the required review or public hearing. FOR HEARING TODAY.

(12) **APPEAL NO. V05-037**

KAUSHIK DATTANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3321 – 20th Street. Appealing the denial on January 5, 2005, of Rear Yard Variance (proposal is to construct a new dwelling unit consisting of two stories on top of an existing commercial structure that sits within the required rear yard of the neighboring corner building (3305 – 22nd Street); the subject building and the neighboring corner building share the same lot. VARIANCE CASE NO. 2004.0624V. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 14th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**ACTING PRESIDENT**
SABRINA N. SAUNDERS	**ACTING VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

S.F.PUBLIC LIBRARY GOV. INFO
LARKIN & GROVE STS. -CENTER
DEPARTMENT 41

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 20, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Sabrina Saunders, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Robert Feldman, Executive Secretary.

ELECTION OF OFFICERS:

Upon motion by Commissioner Knox, the Board voted 5-0 to elect Hisashi Sugaya President, and Sabrina Saunders Vice President.

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(1) PUBLIC COMMENT:

> At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

No specific subject property. Request to renew street-artist permit denied on May 19, 2004. Last day to appeal was June 3, 2004. Jurisdiction request received on March 16, 2005. Letter from Paula Datesh, requestor(s), asking that the Board take jurisdiction over the afore-mentioned action by the Arts Commission.

ACTION: Upon motion by President Sugaya, the Board voted 3-2 (Commissioner Knox & Vice President Saunders dissented) to deny the request for jurisdiction.

SPEAKERS: Howard Lazar, for the Arts Commission; Ananda Joy Norris, attorney for requestor; and Richard Leon, for the Arts Commission.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 973-975 Guerrero Street. Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.
Note: Public hearing held March 30, 2005. For further consideration today.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (Commissioner Garcia recused) to continue the hearing to May 4, 2005.

SPEAKERS: Milla Lvovich; Andrew Zacks, attorney for permit holder; and Lawrence Kornfield, DBI.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

ACTION: Upon motion by Vice President Saunders, the Board voted 5-0 to reschedule the hearing to June 29, 2005 at the written request of the parties.

(3D) ADOPTION OF FINDINGS:

Subject property at 323 – 26th Avenue. Appeal No(s). 04-173, Chow vs. DBI, decided April 13, 2005. At that time, upon motion by Acting President Sugaya, the Board voted 5-0 to overrule the Notice of Decision by Acting DBI Director Jim Hutchinson, and for findings to be adopted on April 20, 2005. NOD: an unlawful residential demolition has taken place at the subject property within the meaning of San Francisco Building Code §§ 103.3, 103.3.1, and 103.3.2, that Building Permit Application No(s). 2002/03/11/1078S1-5 & 2004/05/18/4138 are hereby revoked, and that a 5-year moratorium on the issuance of building permits is hereby imposed pursuant to San Francisco Building Code § 103.3.1.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to adopt the findings as revised by the OCA.

SPEAKERS: None.

(3E) ADOPTION OF FINDINGS:

Subject property at 261 – 26th Avenue. Appeal No(s). 04-186/187, Pikovsky vs. DBI, PCD, decided April 13, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denials by the Planning Commission, and grant the demolition permit and site permit with conditions as proposed by the Planning Department, and with findings to be adopted on April 20, 2005. Project: demolition of 2-story, 2-unit residential building with 1,163sf of ground floor area, and construction of 4-story, 3-unit residential building with 2,070sf of ground floor area.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to adopt the findings as revised by the OCA.

SPEAKERS: None.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 05-013

MARCIA POPE & JEFF RUBIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2815 Pine Street. Appeal for refund of penalty imposed on Jan. 12, 2005 for work done without a permit (on single-family house: remove illegal unit on ground floor per NOV no. 199602226; add bathroom at 3rd floor; remodel kitchen at 2nd floor; remodel bathroom and laundry at 2nd floor). APPLICATION NO. 2005/01/07/2786. FOR HEARING TODAY.

ACTION: Appeal withdrawn by appellant.

(5) **APPEAL NO. 04-132**

ALISON JOSEPH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1244 – 1268 Sutter Street. Appealing a determination dated September 17, 2004, addressed to Alison Joseph, that the proposed office expansion at 1268 Sutter Street requires a Planning Code § 321 application for office space and a Conditional Use (CU) application for change of use above the ground story. **Note:** On Feb. 2, 2005, the Board voted 3-1 to overrule the subject determination with a finding that the current use of the subject property is not office use, and instead resembles an arts activity under the Planning Code. On March 9, 2005, the Board voted 3-0 to grant the Zoning Administrator's rehearing request, and to set the rehearing for March 30, 2005. FOR REHEARING TODAY.

ACTION: Appeal withdrawn by appellant.

(6) **APPEAL NO. 04-190**

DAMIEN GREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1433 Haight Street. Protesting the issuance on December 1, 2004, to Kenneth Epstein, Permit to Alter a Building (on an apartment building: corrections related to NOV No. 200452370; remove rear southwest deck installed without permit). APPLICATION NO. 2004/12/01/0488. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 9, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Saunders dissented) to uphold the permit.

SPEAKERS: Jeffrey Livingston, attorney for permit holder; Michelle Tommey, agent for appellant.

(7) **APPEAL NO. 05-022**

CAMILLE HAMILTON & DAVID PATING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	755 – 22nd Avenue. Protesting the issuance on January 13, 2005 (neighborhood notification reissued Feb. 1, 2005 by DBI's Central Permit Bureau), to Jeffery Nemy & Betsy Erickson, Permit to Alter a Building (on single-family house: add 6' addition with decks to rear of building as shown on drawings; remodel 3rd floor to provide for new bathroom and decks; remodel kitchen, breakfast room, toilet/powder room and add deck at 2nd floor; remodel garage to provide for new bathroom; add dwelling unit at 1st floor). APPLICATION NO. 2003/09/29/6087S. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 30, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to continue the hearing to May 18, 2005.

SPEAKERS: Camille Hamilton, co-appellant; Andrew Junius, attorney for permit holder.

(8) **APPEAL NO. 04-188**

PETER OVERMIRE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): ROBERT MAHONEY	22 Alta Street. Protesting a determination dated November 29, 2004, addressed to Alice Barkley at Luce Forward LLP, that since the Certificate of Appropriateness pursuant to Planning Commission Motion No. 16086 is predicated on a specific permit (Building Permit Application No. 9710066S), and since this permit is still valid, then the Certificate of Appropriateness is still valid. FOR HEARING TODAY.

ACTION: Appeal withdrawn by appellant.

(9) **APPEAL NO. 05-005**

TIMOTHY BLAINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3330 Pierce Street. Appealing the denial on Nov. 10, 2004, of Permit to Alter a Building (on 21-unit apartment building: replace all exterior windows). APPLICATION NO. 2004/09/01/3110. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 5-0 to continue the hearing to June 29, 2005 with the public hearing held and closed.

SPEAKERS: Gregory Blaine, agent for appellant; Lawrence Badiner, ZA.

(10) **APPEAL NO. 05-012**

VAN NESS TOWERS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	724-730 Van Ness Ave. / 640-660 Turk St. Appealing a determination dated January 11, 2005, addressed to Charles Marsteller & Nancy Gin, concerning broader procedural issues related to the approved mixed-use development project at the subject property and proposed modifications to this approved project by the new property owner. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 3-1-1 (Commissioner Fung dissented, Vice President Saunders absent) to uphold the determination.

SPEAKERS: John Sanger, attorney for appellant; Charles Marsteller, co-determination holder; and Lawrence Badiner, ZA.

(11) **APPEAL NO. 05-035**

SPRINT PCS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2350 Turk Street. Appealing a Permit Suspension Request dated February 8, 2005, addressed to Acting Director Jim Hutchinson of the Dept. of Building Inspection, asking that Building Permit Application No(s). 2004/01/30/5271 be suspended because it was approved in error by the Planning Department without the required review or public hearing. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the ZA's Permit Suspension Request.

SPEAKERS: Stephen Ledoux, attorney for appellant; Richard Fenton; and Lawrence Badiner, ZA.

(12) **APPEAL NO. V05-037**

KAUSHIK DATTANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3321 – 20th Street. Appealing the denial on January 5, 2005, of Rear Yard Variance (proposal is to construct a new dwelling unit consisting of two stories on top of an existing commercial structure that sits within the required rear yard of the neighboring corner building (3305 – 22nd Street); the subject building and the neighboring corner building share the same lot. VARIANCE CASE NO. 2004.0624V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the hearing to June 1, 2005 at the written request of the parties.

There being no further business, President Sugaya adjourned the meeting at 9:20 pm.

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 4, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 380 Monterey Boulevard. Variance granted on December 10, 2003. Last day to appeal was December 20, 2003. Jurisdiction request received on April 12, 2005. Letter from Maureen Fitzpatrick, requestor(s), asking that the Board take jurisdiction over variance decision no. 2003.0730V. Variance Holder(s): 380 Monterey Condominium Association. Project: legalize the existing off-street parking configuration on the subject site.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2115 Broderick Street. Permit issued on March 23, 2005. Last day to appeal was April 7, 2005. Jurisdiction request received April 15, 2005. Letter from Wendy Bolker, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/03/23/8190. Permit Holder(s): Gary Bell & Associates. Project: new wooden fence along side in rear yard; maximum 10' height; approximately 35' long.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 973-975 Guerrero Street. Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.
Note: Public hearing held March 30, 2005. For further consideration today.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 04-201

HOADY FAMILY REVOCABLE TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	466 Paris Street. Appealing the imposition of penalty on Dec. 22, 2004, for work done without a permit (on a 3-unit residential building: legalization of work without permit; 2nd egress; no change of use; sprinkler permit will be obtained by contractor). APPLICATION NO. 2003/02/13/7441S. FOR HEARING TODAY.

(4B) APPEAL NO. 05-026

M.R. NAIR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	152 Bertita Street. Appeal for refund of penalty imposed on February 11, 2005, for work done without a permit (on single-family house: abate NOV No. 200232575; restore original condition approved on May 21, 1990; current owner does not know location of illegal rear addition that was started by previous owner). APPLICATION NO. 2005/02/11/5351. FOR HEARING TODAY.

(5) **APPEAL NO. 05-040**

GEORGE BELONOGOFF, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	448 – 40th Avenue. Appealing the denial on February 17, 2005, of Permit to Remove & Replace One (1) Tree. ORDER NO. 175, 183. FOR HEARING TODAY.

(6) **APPEAL NO. 04-037**

ANTHONY DUMONT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	155 Westwood Drive. Appealing a Notice of Decision by Dept. of Building Inspection Director Frank Chiu, dated April 19, 2004, revoking Building Permit Application No(s). 2003/05/19/4954, 2003/08/05/1263, and 2003/08/21/2731. Reason(s) for revocation: construction at the subject property exceeded the scope of the first two permits; and the third permit was issued in error due to false information supplied by the permit applicant. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 04-113**

EDWARD ROMANOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	1234 – 19th Avenue. Appealing the denial on August 13, 2004, of Permit to Demolish a Building (2-story single-family house with 1,506sf of ground floor area). APPLICATION NO. 2002/06/10/8643. FOR HEARING TODAY.

(7B) **APPEAL NO. 04-114**

EDWARD ROMANOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	1228 – 19th Avenue. Appealing the denial on August 13, 2004, of Permit to Erect a Building (4-story, 3-unit condominium building with 1,850sf of ground floor area). APPLICATION NO. 2002/06/10/8646S. FOR HEARING TODAY.

(8) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 04-182**

ELLEN TSANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2650 Hyde Street. Protesting the issuance on November 18, 2004, to Douglas Greenwood, Permit to Alter a Building (on a two-unit building: rehabilitation of deck and staircase). APPLICATION NO. 2004/11/18/9555. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-057**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on March 8, 2005, to Craig Greenwood, Permit to Alter a Building (on 2-unit residential building: raise existing guardrail at rear deck at 3rd floor to +36" above existing deck; confirm and replace any dry rot at deck boards in field and replace no more than 40%; legalize existing roof deck at 3rd floor; per NOV). APPLICATION NO. 2005/03/08/6970. FOR HEARING TODAY.

(10) **APPEAL NO. V04-185**

RICHARD MILLETT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	695 Arkansas Street & Unimproved Portion of the 22nd Street Right of Way. Protesting the granting on November 29, 2004, to Mike Lanza, Front Setback Variance (proposal is to construct an addition on the southern side of the property within the required front setback). VARIANCE CASE NO. 2004.0270V. FOR HEARING TODAY.

(11) **APPEAL NO. 04-191**

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): REALTIME PROPERTIES LLC	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

(12) **APPEAL NO. 04-200**

CLAUDINE RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	21-23 Jersey Street. Appealing the denial on December 21, 2004, of Permit to Alter a Building (merge 2 units into single-family residence; remove partition walls at top and bottom of stairs and replace with guardrails; reference previous Building Permit Applications 2000/09/29/1932 & 2000/10/27/4285). APPLICATION NO. 2004/07/01/7869. FOR HEARING TODAY.

ITEMS (13A), (13B), (13C) & (13D) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-017**

WILLIAM JONES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1189 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,600sf of ground floor area). APPLICATION NO. 2003/09/18/5184S. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-018**

WILLIAM JONES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1187 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,850sf of ground floor area). APPLICATION NO. 2003/09/18/5180S. FOR HEARING TODAY.

(13C) **APPEAL NO. 05-020**

MR. & MRS. AL PELAVIN and PETER PELAVIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1189 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,600sf of ground floor area). APPLICATION NO. 2003/09/18/5184S. FOR HEARING TODAY.

(13D) **APPEAL NO. 05-021**

MR. & MRS. AL PELAVIN and PETER PELAVIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1187 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,850sf of ground floor area). APPLICATION NO. 2003/09/18/5180S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 28th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 4, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Sabrina Saunders, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (DCA OCA); Jonas Ionin, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Sue Hestor & Andrew Zacks.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 380 Monterey Boulevard. Variance granted on December 10, 2003. Last day to appeal was December 20, 2003. Jurisdiction request received on April 12, 2005. Letter from Maureen Fitzpatrick, requestor(s), asking that the Board take jurisdiction over variance decision no. 2003.0730V. Variance Holder(s): 380 Monterey Condominium Association. Project: legalize the existing off-street parking configuration on the subject site.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to May 18, 2005 at the written request of the parties.

SPEAKERS: None.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2115 Broderick Street. Permit issued on March 23, 2005. Last day to appeal was April 7, 2005. Jurisdiction request received April 15, 2005. Letter from Wendy Bolker, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/03/23/8190. Permit Holder(s): Gary Bell & Associates. Project: new wooden fence along side in rear yard; maximum 10' height; approximately 35' long.

ACTION: Upon motion by Vice President Saunders, the Board voted 5-0 to deny the request for jurisdiction.

SPEAKERS: Gary Bell, agent for permit holder; Alison Hiraga, permit holder; requestor did not appear.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 973-975 Guerrero Street. Permit issued on December 15, 2004. Last day to appeal was December 30, 2004. Jurisdiction request received on February 24, 2005. Letter from Lynn Sulley & Lee Taylor, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s).2004/12/15/1488. Permit Holder(s): Henry Lucero. Project: repair sheet rock, ceiling and floors due to fire damage in kitchen and baths; for units 973 & 975 only.
Note: Public hearing held March 30, 2005. For further consideration today.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Garcia recused) to deny the request for jurisdiction.

SPEAKERS: Andrew Zacks, attorney for permit holder; Milla Lvovich, attorney for requestors.

(4) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(4A) APPEAL NO. 04-201

HOADY FAMILY REVOCABLE TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	466 Paris Street. Appealing the imposition of penalty on Dec. 22, 2004, for work done without a permit (on a 3-unit residential building: legalization of work without permit; 2nd egress; no change of use; sprinkler permit will be obtained by contractor). APPLICATION NO. 2003/02/13/7441S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to reduce the penalty to 5 times the regular fee.

SPEAKERS: Mike Hoady, agent for appellant; Leo McFadden, DBI.

(4B) **APPEAL NO. 05-026**

M.R. NAIR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	152 Bertita Street. Appeal for refund of penalty imposed on February 11, 2005, for work done without a permit (on single-family house: abate NOV No. 200232575; restore original condition approved on May 21, 1990; current owner does not know location of illegal rear addition that was started by previous owner). APPLICATION NO. 2005/02/11/5351. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reduce the penalty to 2 times the regular fee.

SPEAKERS: None.

(5) **APPEAL NO. 05-040**

GEORGE BELONOGOFF, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	448 – 40th Avenue. Appealing the denial on February 17, 2005, of Permit to Remove & Replace One (1) Tree. ORDER NO. 175, 183. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial & grant the permit, with the replacement tree to be of a size and species acceptable to DPW BUF.

SPEAKERS: Carla Short, DPW BUF; George Belonogoft, appellant.

(6) **APPEAL NO. 04-037**

ANTHONY DUMONT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	155 Westwood Drive. Appealing a Notice of Decision by Dept. of Building Inspection Director Frank Chiu, dated April 19, 2004, revoking Building Permit Application No(s). 2003/05/19/4954, 2003/08/05/1263, and 2003/08/21/2731. Reason(s) for revocation: construction at the subject property exceeded the scope of the first two permits; and the third permit was issued in error due to false information supplied by the permit applicant. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-1 (Vice President Saunders dissented) to uphold the revocation.

SPEAKERS: Leo McFadden, DBI; Jeremy Paul, for appellant; Pat Bucovich, agent for appellant; Anita Theoharis, for DBI; Danny Burkes, for DBI; Andrew Zacks, attorney for appellant.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 04-113**

EDWARD ROMANOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	1234 – 19th Avenue. Appealing the denial on August 13, 2004, of Permit to Demolish a Building (2-story single-family house with 1,506sf of ground floor area). APPLICATION NO. 2002/06/10/8643. FOR HEARING TODAY.

(7B) **APPEAL NO. 04-114**

EDWARD ROMANOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	1228 – 19th Avenue. Appealing the denial on August 13, 2004, of Permit to Erect a Building (4-story, 3-unit condominium building with 1,850sf of ground floor area). APPLICATION NO. 2002/06/10/8646S. FOR HEARING TODAY.

ACTION: (A) Upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial and grant the demolition permit, with findings to be adopted on 5/18/05. (B) Upon motion by

Commissioner Fung, the Board voted 5-0 to continue the site permit appeal to June 8, 2005, with the public hearing closed.

SPEAKERS: Jonas Ionin, PD; Joel Yodowitz, attorney for appellant; Edward Romanov, appellant; Sue Hestor, for PC; Tony Panteleoni, agent/architect for appellant.

(8) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to July 20, 2005 at the written request of the parties.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 04-182**

ELLEN TSANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2650 Hyde Street. Protesting the issuance on November 18, 2004, to Douglas Greenwood, Permit to Alter a Building (on a two-unit building: rehabilitation of deck and staircase). APPLICATION NO. 2004/11/18/9555. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-057**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on March 8, 2005, to Craig Greenwood, Permit to Alter a Building (on 2-unit residential building: raise existing guardrail at rear deck at 3rd floor to +36" above existing deck; confirm and replace any dry rot at deck boards in field and replace no more than 40%; legalize existing roof deck at 3rd floor; per NOV). APPLICATION NO. 2005/03/08/6970. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to continue the hearing to June 8, 2005 with the public hearing to remain open.

SPEAKERS: Stephan Williams, attorney for appellant; Jeremy Paul, agent for permit holder; Nichole Wolfe, for permit holder; Marla McGowan, for permit holder; Phil Fernandez, for permit holder; Jonas Ionin, PD; Leo McFadden, DBI.

(10) **APPEAL NO. V04-185**

RICHARD MILLETT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	695 Arkansas Street & Unimproved Portion of the 22nd Street Right of Way. Protesting the granting on November 29, 2004, to Mike Lanza, Front Setback Variance (proposal is to construct an addition on the southern side of the property within the required front setback). VARIANCE CASE NO. 2004.0270V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to reschedule to Call of Chair.

SPEAKERS: Richard Millet, appellant; Mike Lanza, variance holder.

(11) **APPEAL NO. 04-191**

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owner(s): REALTIME PROPERTIES LLC	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 5-0 to reschedule the hearing to June 1, 2005 at the written request of the parties.

SPEAKERS: None.

(12) **APPEAL NO. 04-200**

CLAUDINE RYAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	21-23 Jersey Street. Appealing the denial on December 21, 2004, of Permit to Alter a Building (merge 2 units into single-family residence; remove partition walls at top and bottom of stairs and replace with guardrails; reference previous Building Permit Applications 2000/09/29/1932 & 2000/10/27/4285). APPLICATION NO. 2004/07/01/7869. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-1 (President Sugaya dissented) to overrule the denial and grant the permit, with findings to be adopted on May 18, 2005.

SPEAKERS: Jonas Ionin, PD; Brett Gladstone, attorney for appellant; Claudine Ryan, appellant; Pamela Gibbs, for appellant; Kevin Gibbs, for appellant; Brandon Hemley, for appellant; Jackie Holen, for appellant; Lisa Babel, for appellant; Maurice Edwards, for appellant; Catherine Bruce, for appellant; Katherine Ritchey, for appellant.

ITEMS (13A), (13B), (13C) & (13D) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-017**

WILLIAM JONES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1189 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,600sf of ground floor area). APPLICATION NO. 2003/09/18/5184S. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-018**

WILLIAM JONES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1187 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,850sf of ground floor area). APPLICATION NO. 2003/09/18/5180S. FOR HEARING TODAY.

(13C) **APPEAL NO. 05-020**

MR. & MRS. AL PELAVIN and PETER PELAVIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1189 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,600sf of ground floor area). APPLICATION NO. 2003/09/18/5184S. FOR HEARING TODAY.

(13D) **APPEAL NO. 05-021**

MR. & MRS. AL PELAVIN and PETER PELAVIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1187 Stanyan Street. Protesting the issuance on January 28, 2005, to Tom Hunt, Site Permit to Erect a Building (3-story, single-family house with 1,850sf of ground floor area). APPLICATION NO. 2003/09/18/5180S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the appeals to Call of the Chair at the written request of the parties pending outcome of Cat Ex appeal at the Board of Supervisors.

SPEAKERS: None.

There being no further business, President Sugaya adjourned the meeting at 9:00pm.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 11, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 26 Van Ness Avenue. Suspension of permit by Dept. of Public Health (DPH) dated April 13, 2005. Last day to appeal was April 28, 2005. Jurisdiction request received on May 2, 2005. Letter from Ki Soon Chung dba "Van Ness Keno Ice Cream", requestor(s), asking that the Board take jurisdiction over the suspension of a Tobacco Product Sales Establishment Permit.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199 (Item 4), filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

(4) **APPEAL NO. V04-199**

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

(5) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) **APPEAL NO. 05-050**

RITA RABINOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	631 –19th Avenue. Appeal for refund of penalty imposed on March 14, 2005 for work done without a permit (on single-family house: partial compliance with NOV No. 200455469; remodel kitchen and bathroom on 2nd floor; insulate exterior walls; remove and replace sheetrock; separate permit to be filed for remaining part of NOV to legalize ground floor rooms). APPLICATION NO. 2005/03/14/7471. FOR HEARING TODAY.

(6) **APPEAL NO. 04-066**

JAMIE YUEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 10, 2004, of medallion no(s). 1100. RESOLUTION NO. 2004-31. FOR HEARING TODAY.

(7) **APPEAL NO. 04-073**

DIANE COHEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 18, 2004, of medallion no(s). 1147. RESOLUTION NO. 2004-37. FOR HEARING TODAY.

(8) **APPEAL NO. 04-122**

BORIS SHAMIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension on September 1, 2004, of a Driver of Public Passenger Vehicle For Hire Permit. PERMIT NO. 055382. RESOLUTION NO. 2004-48. FOR HEARING TODAY.

(9) **APPEAL NO. 05-046**

MUHAMMAD NUR ELDIN SUBLADAN dba "INTERNATIONAL HOUSE OF WINE & SPIRITS, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	395 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2005. Reason(s) for suspension: selling tobacco products to minors and selling tobacco products without a valid permit from the Dept. of Public Health (DPH). DIRECTOR'S CASE NO. 04-05-115. FOR HEARING TODAY.

(10) **APPEAL NO. 05-048**

CHARALBOS FRAGAKIS dba "BEL-CLIFT MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	516 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2005. Reason(s) for suspension: selling tobacco products to minors and selling tobacco products without a valid permit from the Dept. of Public Health (DPH). DIRECTOR'S CASE NO. 04-05-116. FOR HEARING TODAY.

(11) **APPEAL NO. 04-194**

KELLIE SERINGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2169 Folsom Street #M305. Appealing the denial on December 15, 2004, of Permit to Alter a Building (on a condo/live-work unit: general renovation of interiors of bathrooms, bedrooms, living areas and roof decks; seismic reinforcing; horizontal extension on to north roof deck; sprinklers under separate permit). APPLICATION NO. 2004/08/23/2307. FOR HEARING TODAY.

(12) **APPEAL NO. 05-002**

GARY RAUGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2220-2222 Sacramento Street. Appealing the denial on January 4, 2005, of Site Permit to Alter a Building (application association with variance case no. 2004.0061V to reflect as-built conditions of garage door; to resolve NOV no. 200341797). APPLICATION NO. 2004/10/18/7116S. FOR HEARING TODAY.

(13) **APPEAL NO. 05-041**

KATHY BOLE & PAUL KLINGENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	19 – 7th Avenue. Appealing the denial on March 9, 2005, of Permit to Alter a Building (on single-family house: add bay window at front). APPLICATION NO. 2004/12/20/1790. FOR HEARING TODAY.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 05-043**

ROSITA CAREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1921 Palou Avenue. Protesting the issuance on February 28, 2005, to Van D. Truong, Site Permit to Erect a Building (2-story, single-family house with 1,584sf of ground floor area). APPLICATION NO. 2001/10/04/9988S. FOR HEARING TODAY.

(14B) **APPEAL NO. 05-044**

RUTH & PHILLIPPE LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1921 Palou Avenue. Protesting the issuance on February 28, 2005, to Van D. Truong, Site Permit to Erect a Building (2-story, single-family house with 1,584sf of ground floor area). APPLICATION NO. 2001/10/04/9988S. FOR HEARING TODAY.

(15) **APPEAL NO. 05-045**

MICHAEL SUH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Seal Rock Drive. Protesting the issuance on March 9, 2005, to Reznikov Vyacheslav, Permit to Alter a Building (on single-family house: patio construction; deck construction; replace an existing deck with larger; revision to BPA No. 2004/06/23/7194; scope of work revised to show replacement, not repair). APPLICATION NO. 2004/08/17/1796. FOR HEARING TODAY.

(16) **APPEAL NO. 05-047**

WILLARD McDONALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	20 Cragmont Avenue. Protesting the issuance on March 1, 2005, to Mary Tom, Site Permit to Erect a Building (3-story, single-family house with 1,250sf of ground floor area). APPLICATION NO. 2004/04/07/0748S. FOR HEARING TODAY.

(17) **APPEAL NO. 05-049**

ELIZABETH GEARY & JONATHAN LICHTMACHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	141-143 Parnassus Avenue. Appealing the denial on March 4, 2005, of Permit to Alter a Building (on 4-unit residential building: install new doorway to convert 2 units into 1). APPLICATION NO. 2004/05/26/4872. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 5th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**ACTING PRESIDENT**
SABRINA N. SAUNDERS	**ACTING VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 11, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Sabrina Saunders, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Mike Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Dr. Rajiv Bhatia (DPH); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Eileen Boken.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 26 Van Ness Avenue. Suspension of permit by Dept. of Public Health (DPH) dated April 13, 2005. Last day to appeal was April 28, 2005. Jurisdiction request received on May 2, 2005. Letter from Ki Soon Chung dba "Van Ness Keno Ice Cream", requestor(s), asking that the Board take jurisdiction over the suspension of a Tobacco Product Sales Establishment Permit.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to grant the request for jurisdiction.

SPEAKERS: Ki Soon Chung, requestor; Dr. Rajiv Bhatia, DPH.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199 (Item 4), filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to July 20, 2005 at the written request of the parties.

SPEAKERS: None.

(4) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to July 20, 2005 at the written request of the parties.

SPEAKERS: None.

(5) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) APPEAL NO. 05-050

RITA RABINOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	631 –19th Avenue. Appeal for refund of penalty imposed on March 14, 2005 for work done without a permit (on single-family house: partial compliance with NOV No. 200455469; remodel kitchen and bathroom on 2nd floor; insulate exterior walls; remove and replace sheetrock; separate permit to be filed for remaining part of NOV to legalize ground floor rooms). APPLICATION NO. 2005/03/14/7471. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reduce the penalty to 5 times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Rita Rabinovich, appellant.

(6) APPEAL NO. 04-066

JAMIE YUEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 10, 2004, of medallion no(s). 1100. RESOLUTION NO. 2004-31. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to June 29, 2005 at written the request of the parties.

SPEAKERS: None.

(7) APPEAL NO. 04-073

DIANE COHEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 18, 2004, of medallion no(s). 1147. RESOLUTION NO. 2004-37. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to June 29, 2005 at written the request of the parties.

SPEAKERS: None.

(8) **APPEAL NO. 04-122**

BORIS SHAMIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension on September 1, 2004, of a Driver of Public Passenger Vehicle For Hire Permit. PERMIT NO. 055382. RESOLUTION NO. 2004-48. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to June 29, 2005 at written the request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. 05-046**

MUHAMMAD NUR ELDIN SUBLADAN dba "INTERNATIONAL HOUSE OF WINE & SPIRITS, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	395 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2005. Reason(s) for suspension: selling tobacco products to minors and selling tobacco products without a valid permit from the Dept. of Public Health (DPH). DIRECTOR'S CASE NO. 04-05-115. FOR HEARING TODAY.

ACTION: (1) Upon motion by Commissioner Knox, the Board voted 5-0 to overrule DPH and impose a 30-day suspension (and also uphold the $100 penalty, imposed for not having a permit). (2) Upon motion by Commissioner Garcia, the Board voted 5-0 to rescind the previous vote. (3) Upon motion by Vice President Saunders, the Board voted 5-0 to overrule DPH and instead impose a 20-day suspension.

SPEAKERS: Dr. Rajiv Bhatia, DPH; M. Nur Eldin Sublaban, appellant.

(10) **APPEAL NO. 05-048**

CHARALBOS FRAGAKIS dba "BEL-CLIFT MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	516 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2005. Reason(s) for suspension: selling tobacco products to minors and selling tobacco products without a valid permit from the Dept. of Public Health (DPH). DIRECTOR'S CASE NO. 04-05-116. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to overrule DPH and impose a 20-day suspension.

SPEAKERS: Dr. Rajiv Bhatia, DPH; Charalabos Fragakis, appellant; Marianne Fragakis, wife of appellant; Samir Jajeh, for appellant.

(11) **APPEAL NO. 04-194**

KELLIE SERINGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2169 Folsom Street #M305. Appealing the denial on December 15, 2004, of Permit to Alter a Building (on a condo/live-work unit: general renovation of interiors of bathrooms, bedrooms, living areas and roof decks; seismic reinforcing; horizontal extension on to north roof deck; sprinklers under separate permit). APPLICATION NO. 2004/08/23/2307. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-1 (Commissioner Fung dissented) to overrule the denial with a finding that the expansion is a commercial space that is publicly accessible from the stairway/hallway, and that it is separated from the living/habitable space.

SPEAKERS: Jonas Ionin, PD; Andrew Dunbar, agent for appellant; Kellie Seringer, appellant.

(12) **APPEAL NO. 05-002**

GARY RAUGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2220-2222 Sacramento Street. Appealing the denial on January 4, 2005, of Site Permit to Alter a Building (application association with variance case no. 2004.0061V to reflect as-built conditions of garage door; to resolve NOV no. 200341797). APPLICATION NO. 2004/10/18/7116S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to June 8, 2005 at the request of the OCA.

(13) **APPEAL NO. 05-041**

KATHY BOLE & PAUL KLINGENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	19 – 7th Avenue. Appealing the denial on March 9, 2005, of Permit to Alter a Building (on single-family house: add bay window at front). APPLICATION NO. 2004/12/20/1790. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to May 18, 2005 at the request of the OCA.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 05-043**

ROSITA CAREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1921 Palou Avenue. Protesting the issuance on February 28, 2005, to Van D. Truong, Site Permit to Erect a Building (2-story, single-family house with 1,584sf of ground floor area). APPLICATION NO. 2001/10/04/9988S. FOR HEARING TODAY.

(14B) **APPEAL NO. 05-044**

RUTH & PHILLIPPE LEWIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1921 Palou Avenue. Protesting the issuance on February 28, 2005, to Van D. Truong, Site Permit to Erect a Building (2-story, single-family house with 1,584sf of ground floor area). APPLICATION NO. 2001/10/04/9988S. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the permit.

SPEAKERS: Ruth Lewis, appellant; Jeremy Paul, agent for permit holder; Jonas Ionin, PD; Laurence Kornfield, DBI.

(15) **APPEAL NO. 05-045**

MICHAEL SUH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Seal Rock Drive. Protesting the issuance on March 9, 2005, to Reznikov Vyacheslav, Permit to Alter a Building (on single-family house: patio construction; deck construction; replace an existing deck with larger; revision to BPA No. 2004/06/23/7194; scope of work revised to show replacement, not repair). APPLICATION NO. 2004/08/17/1796. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit.

SPEAKERS: Ramiro Castro, attorney for appellant; Michael Suh; appellant; Matt Lowe, agent for permit holder; Viktoriya Reznikova, wife of permit holder; Vyacheslav Reznikov, permit holder; Laurence Kornfield, DBI.

(16) **APPEAL NO. 05-047**

WILLARD McDONALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	20 Cragmont Avenue. Protesting the issuance on March 1, 2005, to Mary Tom, Site Permit to Erect a Building (3-story, single-family house with 1,250sf of ground floor area). APPLICATION NO. 2004/04/07/0748S. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the permit with conditions as read into the record by the permit holder's architect.

SPEAKERS: Joan McDonald, appellant; Steven Antonaros, architect for permit holder; Tony Kim, agent for permit holder; Carol Mueller, for permit holder; Jonas Ionin, PD.

(17) **APPEAL NO. 05-049**

ELIZABETH GEARY & JONATHAN LICHTMACHER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: N/A (Mandatory DR)	141-143 Parnassus Avenue. Appealing the denial on March 4, 2005, of Permit to Alter a Building (on 4-unit residential building: install new doorway to convert 2 units into 1). APPLICATION NO. 2004/05/26/4872. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial and grant the permit with findings to be adopted at a later date.

SPEAKERS: Jonas Ionin, PD; Liza Geary, co-appellant; Jonathan Lichtmacher, co-appellant; Margaret McKelvce, for appellants; Jeremy Paul, for appellants; Janan New, for appellants; John Maniscalco, for appellants; Ellen Haller, for appellants; Maureen Minnis, for appellants; Rondall Lane, for appellants; Michael Bykousky, for appellant; Jennifer Matz, for appellants; Erica Gorman, for appellants; Andrew Dunbar, for appellants; Dr. Rajiv Bhatia, for appellants.

There being no further business, President Sugaya adjourned the meeting at 9:30 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 18, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3645 – 25th Street #A. Permit issued on March 16, 2005. Last day to appeal was March 31, 2005. Jurisdiction request received April 12, 2005. Letter from Raquel Fox, attorney for Guadalupe Marquez, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/03/16/7661. Permit Holder(s): Mauricio & Ana Batlle. Project: on 3-unit residential building; general demolition of affected plaster/sheetrock materials to be removed and disposed of under negative pressure engineering controls.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 380 Monterey Boulevard. Variance granted on December 10, 2003. Last day to appeal was December 20, 2003. Jurisdiction request received on April 12, 2005. Letter from Maureen Fitzpatrick, requestor(s), asking that the Board take jurisdiction over variance decision no. 2003.0730V. Variance Holder(s): 380 Monterey Condominium Association. Project: legalize the existing off-street parking configuration on the subject site.

(3C) ADOPTION OF FINDINGS:

Subject property at 1234 – 19th Avenue. Appeal No(s). 04-113, Romanov vs. DBI, PCD, decided May 4, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial of the demolition permit by the Planning Commission, and grant this demolition permit with findings to be adopted on May 18, 2005. Project: demolition of 2-story single-family house with 1,506sf of ground floor area.

(3D) **ADOPTION OF FINDINGS:**

Subject property at 21-23 Jersey Street. Appeal No(s). 04-200, Ryan vs. DBI, PCD, decided May 4, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-1 (President Sugaya dissented) to overrule the denial by the Planning Commission, and grant the permit with adoption of findings on May 18, 2005. Project: merge 2 units into single-family residence; remove partition walls at top and bottom of stairs and replace with guardrails; reference previous Building Permit Applications 2000/09/29/1932 & 2000/10/27/4285.

(4) **APPEAL NO. 05-022**

CAMILLE HAMILTON & DAVID PATING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	755 – 22nd Avenue. Protesting the issuance on January 13, 2005 (neighborhood notification reissued Feb. 1, 2005 by DBI's Central Permit Bureau), to Jeffery Nemy & Betsy Erickson, Permit to Alter a Building (on single-family house: add 6' addition with decks to rear of building as shown on drawings; remodel 3rd floor to provide for new bathroom and decks; remodel kitchen, breakfast room, toilet/powder room and add deck at 2nd floor; remodel garage to provide for new bathroom; add dwelling unit at 1st floor). APPLICATION NO. 2003/09/29/6087S. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 30, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

(5) **APPEAL NO. 05-033**

JOSEPH BREALL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 11, 2005, of taxi medallion no. 207. RESOLUTION NO. 2005-08. FOR HEARING TODAY.

(6) **APPEAL NO. 05-055**

NABIL HOMRAN dba "RIGHT WAY MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	596 O'Farrell Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 04-05-114. FOR HEARING TODAY.

(7) **APPEAL NO. 04-160**

BUSH & OCTAVIA REALTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1801 Bush Street. Appealing the denial on October 6, 2004, of Permit to Erect a Sign (6' X 4' sign, 8" thick, 120lbs in weight, with 24sf of total surface area, and 20sf of advertising space). APPLICATION NO. 2004/06/08/5834. FOR HEARING TODAY.

(8) **APPEAL NO. 04-161**

DYANN TRESENFELD & ED WALDRUP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	7 Danvers Street. Appealing the denial on October 20, 2004, of Permit to Alter a Building (on 5-unit residential building plus housekeeping unit: legalize kitchen in housekeeping unit). APPLICATION NO. 2004/04/13/1110. FOR HEARING TODAY.

(9) **APPEAL NO. V04-193**

CAROL & DENNIS HAMBY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 – 1402 Cole Street. Protesting the granting on December 6, 2004, to Edward Morris (Subject Property Owners Adel Mohammed Shalabi & Laura Fiene), Rear Yard, Usable Open Space & Non-complying Structure Variances (proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building. VARIANCE CASE NO. 2003.0639V. FOR HEARING TODAY.

(10) **APPEAL NO. 05-028**

OSWALD COUSINS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	837-839 Hayes Street. Appealing the denial on February 9, 2005, of Permit to Alter a Building (correct the record to reflect two legal existing units; no work proposed). APPLICATION NO. 2004/04/28/2525. FOR HEARING TODAY.

(11) **APPEAL NO. 05-041**

KATHY BOLE & PAUL KLINGENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	19 – 7th Avenue. Appealing the denial on March 9, 2005, of Permit to Alter a Building (on single-family house: add bay window at front). APPLICATION NO. 2004/12/20/1790. FOR HEARING TODAY.

(12) **APPEAL NO. 05-042**

HENDRIK BAKKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1923 Webster Street. Protesting the issuance on March 7, 2005, to 1923 Webster LLC, Site Permit to Alter a Building (on single-family house: raise building 2 feet, add garage and rear addition). APPLICATION NO. 2004/03/01/7434S. FOR HEARING TODAY.

(13) **APPEAL NO. 05-051**

MIDTOWN TERRACE HOMEOWNERS ASSOCIATION, TWIN PEAKS IMPROVEMENT ASSOCIATION & FOREST KNOLLS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1 La Avanzada Drive (Sutro Tower). Appealing a determination dated March 2, 2005, addressed to Siu Ling Chen, concerning Building Permit Application No(s). 2004/11/05/8607, 2004/12/20/1816 & 2005/01/25/3910, which are Sutro Tower's most recent building permit applications. FOR HEARING TODAY.

(14) **APPEAL NO. 05-052**

WELL-CARE HEALTH CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4726 Geary Boulevard. Appealing a Permit Suspension Request dated March 7, 2005, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that Building Permit Application No(s). 2005/02/03/4733 be suspended because the Planning Department is conducting a code enforcement investigation relating to a complaint that an illegal massage establishment is operating at the subject property. FOR HEARING TODAY.

(15) **APPEAL NO. 05-053**

ALLISON & THOMAS KOHLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	436-438 Clementina Street. Protesting the issuance on March 3, 2005, to Raul Arriaza, Permit to Demolish a Building (single-story cabinet shop/equipment warehouse with 5,625sf of ground floor area). APPLICATION NO. 2000/11/29/6739. FOR HEARING TODAY.

(16) **APPEAL NO. 05-054**

ELAINE LIU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1831 – 48th Avenue. Protesting the issuance on March 10, 2005, to Eric Hansen, Permit to Alter a Building (on single-family house: new outdoor deck at 2nd floor; move window at 1st floor). APPLICATION NO. 2005/03/10/7196. FOR HEARING TODAY.

(17) **APPEAL NO. 05-056**

GIORGIO BASA, ROSALINA BASA & JERSEY ECHALUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	886 – 30th Avenue. Protesting the issuance on March 11, 2005, to Lenny Trakhter, Permit to Alter a Building (on single-family house: demolition of illegal unit; cap off plumbing and electrical). APPLICATION NO. 2005/03/11/7358. FOR HEARING TODAY.

(18) **APPEAL NO. 05-058**

JENCKYN GOOSBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1335 Fulton Street. Protesting the issuance on March 9, 2005, to James Finnegan, Permit to Demolish a Building (single-story warehouse with 4,500sf of ground floor area). APPLICATION NO. 2002/05/10/6329. FOR HEARING TODAY.

(19) **APPEAL NO. 05-059**

JOHN & BARBARA PLETZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3344 Market Street. Protesting the issuance on March 14, 2005, to Michael Gibbons & Katie O'Rourke, Site Permit to Alter a Building (on single-family house: new foundations; front addition; rebuild rear; 2nd story expansion; replaces previous Building Permit Application No. 2003/06/26/8126). APPLICATION NO. 2004/06/04/5625S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 11th, 2005.**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**ACTING PRESIDENT**
SABRINA N. SAUNDERS	**ACTING VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 18, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Sabrina Saunders, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Mike Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Dr. Rajiv Bhatia, Dept. of Public Health (DPH); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Eileen Boken.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3645 – 25th Street #A. Permit issued on March 16, 2005. Last day to appeal was March 31, 2005. Jurisdiction request received April 12, 2005. Letter from Raquel Fox, attorney for Guadalupe Marquez, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2005/03/16/7661. Permit Holder(s): Mauricio & Ana Batlle. Project: on 3-unit residential building; general demolition of affected plaster/sheetrock materials to be removed and disposed of under negative pressure engineering controls.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the hearing to June 8, 2005 at the written request of the parties.

SPEAKERS: None.

(3B) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 380 Monterey Boulevard. Variance granted on December 10, 2003. Last day to appeal was December 20, 2003. Jurisdiction request received on April 12, 2005. Letter from Maureen Fitzpatrick, requestor(s), asking that the Board take jurisdiction over variance decision no. 2003.0730V. Variance Holder(s): 380 Monterey Condominium Association. Project: legalize the existing off-street parking configuration on the subject site.

ACTION: None. Withdrawn by requestor.

(3C) **ADOPTION OF FINDINGS:**

Subject property at 1234 – 19th Avenue. Appeal No(s). 04-113, Romanov vs. DBI, PCD, decided May 4, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial of the demolition permit by the Planning Commission, and grant this demolition permit with findings to be adopted on May 18, 2005. Project: demolition of 2-story single-family house with 1,506sf of ground floor area.

ACTION: Upon motion by President Commissioner Garcia, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

(3D) **ADOPTION OF FINDINGS:**

Subject property at 21-23 Jersey Street. Appeal No(s). 04-200, Ryan vs. DBI, PCD, decided May 4, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-1 (President Sugaya dissented) to overrule the denial by the Planning Commission, and grant the permit with adoption of findings on May 18, 2005. Project: merge 2 units into single-family residence; remove partition walls at top and bottom of stairs and replace with guardrails; reference previous Building Permit Applications 2000/09/29/1932 & 2000/10/27/4285.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

(4) **APPEAL NO. 05-022**

CAMILLE HAMILTON & DAVID PATING, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	755 – 22nd Avenue. Protesting the issuance on January 13, 2005 (neighborhood notification reissued Feb. 1, 2005 by DBI's Central Permit Bureau), to Jeffery Nemy & Betsy Erickson, Permit to Alter a Building (on single-family house: add 6' addition with decks to rear of building as shown on drawings; remodel 3rd floor to provide for new bathroom and decks; remodel kitchen, breakfast room, toilet/powder room and add deck at 2nd floor; remodel garage to provide for new bathroom; add dwelling unit at 1st floor). APPLICATION NO. 2003/09/29/6087S. **NOTE:** PUBLIC HEARING HELD & CLOSED MARCH 30, 2005. CONTINUED FOR LACK OF QUORUM. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Vice President Saunders dissented) to uphold the permit.

SPEAKERS: None.

(5) **APPEAL NO. 05-033**

JOSEPH BREALL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on February 11, 2005, of taxi medallion no. 207. RESOLUTION NO. 2005-08. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Saunders & Commissioner Fung dissented) to uphold the revocation.

SPEAKERS: Jimi Harris, TC; Joseph Breall, appellant; Dan Hines, for appellant; Richard Hybels, for TC; Mark Gruberg, for TC.

(6) **APPEAL NO. 05-055**

NABIL HOMRAN dba "RIGHT WAY MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	596 O'Farrell Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on March 9, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 04-05-114. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule DPH, and instead impose a 20-day suspension.

SPEAKERS: Dr. Rajiv Bhatia, DPH; Nabil Homran, appellant.

(7) **APPEAL NO. 04-160**

BUSH & OCTAVIA REALTY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	1801 Bush Street. Appealing the denial on October 6, 2004, of Permit to Erect a Sign (6' X 4' sign, 8" thick, 120lbs in weight, with 24sf of total surface area, and 20sf of advertising space). APPLICATION NO. 2004/06/08/5834. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the denial of the permit.

SPEAKERS: Jonas Ionin, PD; Brett Gladstone, attorney for appellant; Dr. Alfred Dobrow, for PD; Craig Beale for Helen Bentley, for appellant; Dr. Lomba, for PD; Rob Fukiatsu, for appellant; Marisol Toro-Burciaga, for appellant; Andrew Zittell, for appellant; Mia Mitchell, for appellant; Dana Schellings, for appellant; Shereen Chew, for appellant; Ian Berke, for PD; Connie Tamal, for PD; Joe Moore, for appellant; Tim Grant, for appellant; Jed Kutzen, for appellant; Mike Armstrong, for appellant; Ellen Fogarty, for PD; Roxanne Schulkin, for appellant; Tom Miller, for appellant; George Popovics, for appellant; Andrew Chan, for appellant; Bob Twomey, for appellant; Clint Miller, for PD; Julie Hare, for appellant; Jeff Solliday, for appellant; Bob Shapiro, for PD; John Jones, for appellant; Stephen Williams, for PD.

(8) **APPEAL NO. 04-161**

DYANN TRESENFELD & ED WALDRUP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPARTMENT DISAPPROVAL	7 Danvers Street. Appealing the denial on October 20, 2004, of Permit to Alter a Building (on 5-unit residential building plus housekeeping unit: legalize kitchen in housekeeping unit). APPLICATION NO. 2004/04/13/1110. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the denial.

SPEAKERS: Jeremy Paul, agent for appellant; Jonas Ionin, PD.

(9) **APPEAL NO. V04-193**

CAROL & DENNIS HAMBY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1400 – 1402 Cole Street. Protesting the granting on December 6, 2004, to Edward Morris (Subject Property Owners Adel Mohammed Shalabi & Laura Fiene), Rear Yard, Usable Open Space & Non-complying Structure Variances (proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building. VARIANCE CASE NO. 2003.0639V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the variance, with findings (and conditions) to be adopted on June 8, 2005.

SPEAKERS: Alice Barkley, attorney for appellants; Rebecca Bedwell-Coll, attorney for variance holders; Adel Shalabi, co-variance holder; Laura Fiene, co-variance holder; Marc Hedlund, for variance holders; Daniel Burns, for variance holders; Richard Fall, for variance holders; Joe O'Donoghue, for appellants; Edward Morris, architect for variance holders; Jonas Ionin, PD.

(10) **APPEAL NO. 05-028**

OSWALD COUSINS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	837-839 Hayes Street. Appealing the denial on February 9, 2005, of Permit to Alter a Building (correct the record to reflect two legal existing units; no work proposed). APPLICATION NO. 2004/04/28/2525. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the denial and grant the permit with findings to be adopted on June 8, 2005.

SPEAKERS: Leo McFadden, DBI; Jeremy Paul, agent for appellant; Jonas Ionin, PD.

(11) **APPEAL NO. 05-041**

KATHY BOLE & PAUL KLINGENSTEIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	19 – 7th Avenue. Appealing the denial on March 9, 2005, of Permit to Alter a Building (on single-family house: add bay window at front). APPLICATION NO. 2004/12/20/1790. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule to Call of the Chair at the written request of the appellants due to environmental review issues raised by the OCA.

SPEAKERS: None.

(12) **APPEAL NO. 05-042**

HENDRIK BAKKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1923 Webster Street. Protesting the issuance on March 7, 2005, to 1923 Webster LLC, Site Permit to Alter a Building (on single-family house: raise building 2 feet, add garage and rear addition). APPLICATION NO. 2004/03/01/7434S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Vice President Saunders absent) to uphold the permit.

SPEAKERS: Hendrik Bakker, appellant; Alice Barkley, attorney for permit holder; Jonas Ionin, PD.

(13) **APPEAL NO. 05-051**

MIDTOWN TERRACE HOMEOWNERS ASSOCIATION, TWIN PEAKS IMPROVEMENT ASSOCIATION & FOREST KNOLLS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1 La Avanzada Drive (Sutro Tower). Appealing a determination dated March 2, 2005, addressed to Siu Ling Chen, concerning Building Permit Application No(s). 2004/11/05/8607, 2004/12/20/1816 & 2005/01/25/3910, which are Sutro Tower's most recent building permit applications. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Vice President Saunders absent) to uphold the ZA determination.

SPEAKERS: Christine Linnenbach, attorney for appellants; Bob McCarthy, attorney for SPO; Jonas Ionin, PD; Morgan Gorrone, for SPO; Booker Wade, for SPO; Walter Kaplan, agent for appellants.

(14) **APPEAL NO. 05-052**

WELL-CARE HEALTH CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4726 Geary Boulevard. Appealing a Permit Suspension Request dated March 7, 2005, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that Building Permit Application No(s). 2005/02/03/4733 be suspended because the Planning Department is conducting a code enforcement investigation relating to a complaint that an illegal massage establishment is operating at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the ZA with a finding that the primary use is acupuncture, and that the massage accessory use shall consist of 300 sf and no more than 2 massage therapists.

SPEAKERS: Jonas Ionin, PD; Dan Sullivan, agent for appellant.

(15) **APPEAL NO. 05-053**

ALLISON & THOMAS KOHLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	436-438 Clementina Street. Protesting the issuance on March 3, 2005, to Raul Arriaza, Permit to Demolish a Building (single-story cabinet shop/equipment warehouse with 5,625sf of ground floor area). APPLICATION NO. 2000/11/29/6739. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to dismiss for lack of subject matter jurisdiction (SMJ).

SPEAKERS: Stanley Riddell, attorney for appellants; Alice Barkley, attorney for permit holder.

(16) **APPEAL NO. 05-054**

ELAINE LIU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1831 – 48th Avenue. Protesting the issuance on March 10, 2005, to Eric Hansen, Permit to Alter a Building (on single-family house: new outdoor deck at 2nd floor; move window at 1st floor). APPLICATION NO. 2005/03/10/7196. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the permit with the settlement as conditions of approval.

SPEAKERS: Jonas Ionin, for PD.

(17) **APPEAL NO. 05-056**

GIORGIO BASA, ROSALINA BASA & JERSEY ECHALUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	886 – 30th Avenue. Protesting the issuance on March 11, 2005, to Lenny Trakhter, Permit to Alter a Building (on single-family house: demolition of illegal unit; cap off plumbing and electrical). APPLICATION NO. 2005/03/11/7358. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the permit.

SPEAKERS: Katrina Decker, attorney for permit holder; Appellant did not appear.

(18) **APPEAL NO. 05-058**

JENCKYN GOOSBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1335 Fulton Street. Protesting the issuance on March 9, 2005, to James Finnegan, Permit to Demolish a Building (single-story warehouse with 4,500sf of ground floor area). APPLICATION NO. 2002/05/10/6329. FOR HEARING TODAY.

ACTION: None. Appeal withdrawn by the appellant.

SPEAKERS: None.

(19) **APPEAL NO. 05-059**

JOHN & BARBARA PLETZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3344 Market Street. Protesting the issuance on March 14, 2005, to Michael Gibbons & Katie O'Rourke, Site Permit to Alter a Building (on single-family house: new foundations; front addition; rebuild rear; 2nd story expansion; replaces previous Building Permit Application No. 2003/06/26/8126). APPLICATION NO. 2004/06/04/5625S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the permit with the settlement as conditions of approval.

SPEAKERS: Jeremy Paul, agent for appellants; Earle Weiss, architect for permit holder.

There being no further business, President Sugaya adjourned the meeting at 11:40 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 1, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) REHEARING REQUEST:

Subject property at 724-730 Van Ness Avenue / 640-660 Turk Street. Letter from John Sanger, attorney for Van Ness Towers LLC, appellant(s), requesting rehearing of Appeal No(s). 05-012, Van Ness Towers LLC vs. ZA, decided April 20, 2005. At that time, upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the subject determination by the Zoning Administrator concerning broader procedural issues related to the approved mixed-use development project at the subject property and proposed modifications to this approved project by the new property owner. Determination Holder(s): Charles Marsteller & Nancy Gin.

(4) APPEAL NO. V05-037

KAUSHIK DATTANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3321 – 20th Street. Appealing the denial on January 5, 2005, of Rear Yard Variance (proposal is to construct a new dwelling unit consisting of two stories on top of an existing commercial structure that sits within the required rear yard of the neighboring corner building (3305 – 22nd Street); the subject building and the neighboring corner building share the same lot. VARIANCE CASE NO. 2004.0624V. FOR HEARING TODAY.

(5) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) APPEAL NO. 05-063

JERROLD POLANKSY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	339 Elsie Street. Appealing the imposition of penalty on April 4, 2005, for work done without a permit (on single-family house: dormer built without permit; comply with NOV No. 200345584). APPLICATION NO. 2004/06/07/5735. FOR HEARING TODAY.

(6) APPEAL NO. 04-191

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): REALTIME PROPERTIES LLC	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

(7) APPEAL NO. 04-203

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for suspension: the Planning Dept. believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's actions. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

ITEMS (8A), (8B), (8C), (8D), (8E), (8F), & (8G) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(9) **APPEAL NO. 05-027**

ROBERTO & JOSEPHINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	452 Wilde Avenue. Protesting the issuance on February 2, 2005, to M.E. Godinet, Permit to Alter a Building (on single-family house: rebuild deck, replace in-kind using existing footings; comply with NOV No. 200557087). APPLICATION NO. 2005/02/02/4573. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 05-039**

JOANNE ZOU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83 Harrington Street. Protesting the issuance on December 17, 2004, to Shuen Yueng Temple, Permit to Alter a Building (on single-family house, correct NOV no. 200454053; remove 10' deep X 25' wide enclosure to original deck; add 1-hour firewall on both sides). APPLICATION NO. 2004/12/17/1673. JURISDICTION GRANTED FEB. 23, 2005. FOR HEARING TODAY.

(10B) **APPEAL NO. 05-062**

JOANNE ZOU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83 Harrington Street. Protesting the issuance on March 25, 2005, to Mr. & Mrs. Lee, Permit to Alter a Building (on single-family house: continuous work on BPA No. 2004/12/17/1673; legalization of existing deck to comply with NOV No. 200454053). APPLICATION NO. 2005/03/25/8411. FOR HEARING TODAY.

(11) **APPEAL NO. 05-060**

YAN HUI CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Dore Street. Protesting the issuance on March 24, 2005, to George Hauser, Permit to Erect a Building (5-story, 42-unit residential building with garage, with 6,241sf of ground floor area). APPLICATION NO. 2004/08/26/2687. FOR HEARING TODAY.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 05-064**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Permit to Demolish a Building (single-story building with 320sf of ground floor area). APPLICATION NO. 2004/12/02/0582. FOR HEARING TODAY.

(12B) **APPEAL NO. 05-065**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Site Permit to Erect a Building (4-story single-family dwelling with 1,224sf of ground floor area). APPLICATION NO. 2004/12/02/0571S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 26th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	ACTING PRESIDENT
SABRINA N. SAUNDERS	ACTING VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 1, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: Vice President Sabrina Saunders, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Mike Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: President Hisashi Sugaya.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) REHEARING REQUEST:

Subject property at 724-730 Van Ness Avenue / 640-660 Turk Street. Letter from John Sanger, attorney for Van Ness Towers LLC, appellant(s), requesting rehearing of Appeal No(s). 05-012, Van Ness Towers LLC vs. ZA, decided April 20, 2005. At that time, upon motion by President Sugaya, the Board voted 3-1-1 (Commissioner Fung dissented, Vice President Saunders absent) to uphold the subject determination by the Zoning Administrator concerning broader procedural issues related to the approved mixed-use development project at the subject property and proposed modifications to this approved project by the new property owner. Determination Holder(s): Charles Marsteller & Nancy Gin.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Sugaya absent) to deny the request for rehearing.

SPEAKERS: John Sanger, attorney for appellant; Lawrence Badiner, ZA; Charles Marsteller, determination holder.

(4) APPEAL NO. V05-037

KAUSHIK DATTANI, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3321 – 20th Street. Appealing the denial on January 5, 2005, of Rear Yard Variance (proposal is to construct a new dwelling unit consisting of two stories on top of an existing commercial structure that sits within the required rear yard of the neighboring corner building (3305 – 22nd Street); the subject building and the neighboring corner building share the same lot. VARIANCE CASE NO. 2004.0624V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Sugaya absent) to uphold the denial.

SPEAKERS: Laurence Badiner, ZA; Jeremy Paul, agent for appellant.

(5) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(5A) APPEAL NO. 05-063

JERROLD POLANKSY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	339 Elsie Street. Appealing the imposition of penalty on April 4, 2005, for work done without a permit (on single-family house: dormer built without permit; comply with NOV No. 200345584). APPLICATION NO. 2004/06/07/5735. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Sugaya absent) to reduce the penalty to 4 times the regular fee.

SPEAKERS: Leo McFadden, DBI; Jerrold Polansky, appellant; Laurence Badiner, ZA.

(6) **APPEAL NO. 04-191**

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): REALTIME PROPERTIES LLC	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (President Sugaya absent) to reschedule the hearing to July 27, 2005 at the written request of the parties.

SPEAKERS: None.

(7) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for suspension: the Planning Dept. believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's actions. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (President Sugaya absent) to reschedule the hearing to July 27, 2005 at the written request of the parties.

SPEAKERS: None.

ITEMS (8A), (8B), (8C), (8D), (8E), (8F), & (8G) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(8G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (President Sugaya absent) to reschedule all the appeals to June 8, 2005.

SPEAKERS: Kay Cavanaro, agent for appellants; Matthew Brennan, attorney for permit holder.

(9) **APPEAL NO. 05-027**

ROBERTO & JOSEPHINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	452 Wilde Avenue. Protesting the issuance on February 2, 2005, to M.E. Godinet, Permit to Alter a Building (on single-family house: rebuild deck, replace in-kind using existing footings; comply with NOV No. 200557087). APPLICATION NO. 2005/02/02/4573. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (President Sugaya absent) to continue the hearing to June 8, 2005, with the public hearing closed, except for rebuttals.

SPEAKERS: Josephine Soto, co-appellant; Martina Godinet, permit holder; Norman Kunz, agent for permit holder; Leo McFadden, DBI.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 05-039**

JOANNE ZOU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83 Harrington Street. Protesting the issuance on December 17, 2004, to Shuen Yueng Temple, Permit to Alter a Building (on single-family house, correct NOV no. 200454053; remove 10' deep X 25' wide enclosure to original deck; add 1-hour firewall on both sides). APPLICATION NO. 2004/12/17/1673. JURISDICTION GRANTED FEB. 23, 2005. FOR HEARING TODAY.

(10B) **APPEAL NO. 05-062**

JOANNE ZOU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83 Harrington Street. Protesting the issuance on March 25, 2005, to Mr. & Mrs. Lee, Permit to Alter a Building (on single-family house: continuous work on BPA No. 2004/12/17/1673; legalization of existing deck to comply with NOV No. 200454053). APPLICATION NO. 2005/03/25/8411. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Sugaya absent) to uphold both permits on the condition that the tent in the rear yard be removed.

SPEAKERS: Joanne Zou, appellant; Michael Yiu, agent for permit holder; Lawrence Badiner, ZA.

(11) **APPEAL NO. 05-060**

YAN HUI CHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	30 Dore Street. Protesting the issuance on March 24, 2005, to George Hauser, Permit to Erect a Building (5-story, 42-unit residential building with garage, with 6,241sf of ground floor area). APPLICATION NO. 2004/08/26/2687. FOR HEARING TODAY.

ACTION: (1) Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Sugaya absent) to hear the case tonight. (2) Upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Sugaya absent) to uphold the permit with Negative Declaration findings as read into record by Catharine Barnes.

SPEAKERS: James Johnson, attorney for appellant; David Cincotta, attorney for permit holder; Karen Xu, for appellant; Pedro Fernandez, agent for permit holder.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 05-064**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Permit to Demolish a Building (single-story building with 320sf of ground floor area). APPLICATION NO. 2004/12/02/0582. FOR HEARING TODAY.

(12B) **APPEAL NO. 05-065**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Site Permit to Erect a Building (4-story single-family dwelling with 1,224sf of ground floor area). APPLICATION NO. 2004/12/02/0571S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-0-1 (President Sugaya absent) to reschedule both appeals to June 8, 2005 at the written request of the parties.

SPEAKERS: None.

There being no further business, President Sugaya adjourned the meeting at 8:38 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 8, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(2A) DISCUSSION OF ADMINISTRATION OF OATH AT BOARD MEETINGS.

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 578-592 Jersey Street. Permit revoked on November 16, 2004. Last day to appeal was December 1, 2004. Jurisdiction request received on February 23, 2005. Letter from William Abend, agent for Del-Camp Investments, requestor(s), asking that the Board take jurisdiction over the revocation of Building Permit Application No(s). 2004/01/27/4922. Reasons for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building.

(3B) ADOPTION OF FINDINGS:

Subject property at 2169 Folsom Street #M305. Appeal No(s). 04-194, Seringer vs. DBI, PDD, decided May 11, 2005. At that time, upon motion by President Sugaya, the Board voted 4-1 (Commissioner Fung dissented) to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: on a condo/live-work unit, general renovation of interiors of bathrooms, bedrooms, living areas and roof decks; seismic reinforcing; horizontal extension on to north roof deck; sprinklers under separate permit.

(3C) ADOPTION OF FINDINGS:

Subject property at 141-143 Parnassus Avenue. Appeal No(s). 05-049, Geary & Lichtmacher vs. DBI, PCD, decided May 11, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: on 4-unit residential building, install new doorway to convert 2 units into 1.

(3D) ADOPTION OF FINDINGS:

Subject property at 1400-1402 Cole Street. Appeal No(s). V04-193, Hamby vs. ZA, decided May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject variance with findings and conditions to be adopted on June 8, 2005. Subject Property Owner(s): Adel Shalabi & Laura Fiene. Project: proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building.

(3E) ADOPTION OF FINDINGS:

Subject property at 837-839 Hayes Street. Appeal No(s). 05-028, Cousins vs. DBI, decided May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial and grant the permit with findings to be adopted on June 8, 2005. Project: correct the record to reflect two legal existing units; no work proposed.

(3F) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2889 – 24th Street. Permit issued on April 22, 2005. Last day to appeal was May 9, 2005. Jurisdiction request received May 19, 2005. Letter from Laurence Berg, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/03/25/0625S. Permit Holder(s): Mike Boschetto. Project: construction of a 4-story, 8-unit retail/apartment building with 4,942sf of ground floor area.

(3G) REHEARING REQUEST:

Subject property at 3645 – 25th Street #A. Letter from Lawrence Badiner, Zoning Administrator, requesting rehearing of Appeal No(s). 04-113, Romanov vs. DBI, PCD, decided May 4, 2005, and findings adopted on May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial, grant the demolition permit with adoption of findings on May 18, 2005. Appellant(s): Edward Romavov. Project: demolish a 2-story single-family house with 1,506sf of ground floor area.

(4) **APPEAL NO. 03-154**

ULYSSES NAPURI dba “LAST STOP SOUVENIR”, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED ON 9/17/2003. PUBLIC HEARING HELD & CLOSED ON DECEMBER 10, 2003. FOR FURTHER CONSIDERATION TODAY.

(5) **APPEAL NO. 04-035**

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD & CLOSED ON AUGUST 18, 2004. FOR FURTHER CONSIDERATION TODAY.

(6) **APPEAL NO. 04-114**

EDWARD ROMANOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	1228 – 19th Avenue. Appealing the denial on August 13, 2004, of Permit to Erect a Building (4-story, 3-unit condominium building with 1,850sf of ground floor area). APPLICATION NO. 2002/06/10/8646S. PUBLIC HEARING HELD & CLOSED ON MAY 4, 2005. FOR FURTHER CONSIDERATION TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 04-182**

ELLEN TSANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2650 Hyde Street. Protesting the issuance on November 18, 2004, to Douglas Greenwood, Permit to Alter a Building (on a two-unit building: rehabilitation of deck and staircase). APPLICATION NO. 2004/11/18/9555. PUBLIC HEARING HELD ON MAY 4, 2004, BUT STILL REMAINS OPEN. FOR FURTHER CONSIDERATION TODAY.

(7B) **APPEAL NO. 05-057**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on March 8, 2005, to Craig Greenwood, Permit to Alter a Building (on 2-unit residential building: raise existing guardrail at rear deck at 3rd floor to +36" above existing deck; confirm and replace any dry rot at deck boards in field and replace no more than 40%; legalize existing roof deck at 3rd floor; per NOV). APPLICATION NO. 2005/03/08/6970. PUBLIC HEARING HELD ON MAY 4, 2004, BUT REMAINS OPEN. FOR FURTHER CONSIDERATION TODAY.

(8) **APPEAL NO. 05-027**

ROBERTO & JOSEPHINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	452 Wilde Avenue. Protesting the issuance on February 2, 2005, to M.E. Godinet, Permit to Alter a Building (on single-family house: rebuild deck, replace in-kind using existing footings; comply with NOV No. 200557087). APPLICATION NO. 2005/02/02/4573. PUBLIC HEARING HELD ON JUNE 1, 2005, BUT REMAINS OPEN FOR REPORT BY DBI AND REBUTTALS. FOR FURTHER CONSIDERATION TODAY.

(9) **APPEAL NO. 05-066**

MOLI STEINERT, Appellant(s) vs. DEPARTMENT OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	148 Bocana Street. Appealing the denial on April 2, 2005, of Permit to Remove & Replace One (1) Tree. ORDER NO. 175,251. FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 04-103**

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Demolish a Building (2-story single family house with 1,235sf of ground floor area). APPLICATION NO. 2002/11/22/2107. FOR HEARING TODAY.

(10B) **APPEAL NO. 04-104**

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Erect a Building (3-story single family house with 1,089sf of ground floor area). APPLICATION NO. 2002/11/22/2105S. FOR HEARING TODAY.

(11) **APPEAL NO. 04-206**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 Pennsylvania Avenue. Appealing a Notice of Violation dated December 13, 2004, addressed to Tripe A Machine Shop Inc. & Viacom Outdoor, that the general advertising sign on the subject property is taller than 25 feet, that the face of the sign is larger than 1,344sf, and that the sign faces the freeway; these conditions do not comply with approved sign application no. 2000/09/22/1332, and violate Planning Code § 607. FOR HEARING TODAY.

(12) **APPEAL NO. 05-002**

GARY RAUGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2220-2222 Sacramento Street. Appealing the denial on January 4, 2005, of Site Permit to Alter a Building (application associated with variance case no. 2004.0061V to reflect as-built conditions of garage door; to resolve NOV no. 200341797). APPLICATION NO. 2004/10/18/7116S. FOR HEARING TODAY.

ITEMS (13A), (13B), (13C), (13D), (13E), (13F), & (13G) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 05-064**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Permit to Demolish a Building (single-story building with 320sf of ground floor area). APPLICATION NO. 2004/12/02/0582. FOR HEARING TODAY.

(14B) **APPEAL NO. 05-065**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Site Permit to Erect a Building (4-story single-family dwelling with 1,224sf of ground floor area). APPLICATION NO. 2004/12/02/0571S. FOR HEARING TODAY.

(15) **APPEAL NO. 05-068**

DON PUTNAM & SUSANN KELLISON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	212 Union Street. Appealing a Permit Suspension Request dated April 14, 2005, addressed to Acting Director Jim Hutchinson of the Dept. of Building Inspection, asking that all active building permits at the subject property be suspended. Reason(s) for suspension: Planning Department staff believes that work has taken place which exceeds the scope of the active building permits. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Permit holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 2nd, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 8, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Sabrina Saunders, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Craig Nikitas, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

> At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(2A) DISCUSSION OF ADMINISTRATION OF OATH AT BOARD MEETINGS.

ACTION: Upon motion by Commissioner Knox, the Board voted 2-3 (President Sugaya, Vice President Saunders and Commissioner Garcia dissented) to dispense with the administration of oath. Oath maintained.

SPEAKERS: Laurence Berg; Moli Steinert; Alice Barkley; Jeremy Paul; Joel Yodowitz.

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 578-592 Jersey Street. Permit revoked on November 16, 2004. Last day to appeal was December 1, 2004. Jurisdiction request received on February 23, 2005. Letter from William Abend, agent for Del-Camp Investments, requestor(s), asking that the Board take jurisdiction over the revocation of Building Permit Application No(s). 2004/01/27/4922. Reasons for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Fung absent) to grant the jurisdiction request.

SPEAKERS: Bill Abend, agent for requestor; Craig Nikitas, PD.

(3B) ADOPTION OF FINDINGS:

Subject property at 2169 Folsom Street #M305. Appeal No(s). 04-194, Seringer vs. DBI, PDD, decided May 11, 2005. At that time, upon motion by President Sugaya, the Board voted 4-1 (Commissioner Fung dissented) to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: on a condo/live-work unit, general renovation of interiors of bathrooms, bedrooms, living areas and roof decks; seismic reinforcing; horizontal extension on to north roof deck; sprinklers under separate permit.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Fung dissented) to adopt the findings as amended.

SPEAKERS: None.

(3C) ADOPTION OF FINDINGS:

Subject property at 141-143 Parnassus Avenue. Appeal No(s). 05-049, Geary & Lichtmacher vs. DBI, PCD, decided May 11, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: on 4-unit residential building, install new doorway to convert 2 units into 1.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

(3D) **ADOPTION OF FINDINGS:**

Subject property at 1400-1402 Cole Street. Appeal No(s). V04-193, Hamby vs. ZA, decided May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the subject variance with findings and conditions to be adopted on June 8, 2005. Subject Property Owner(s): Adel Shalabi & Laura Fiene. Project: proposal is to construct a 3rd floor addition containing a dwelling unit on a 2-story mixed-use (single-family residential over ground floor commercial) building.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

(3E) **ADOPTION OF FINDINGS:**

Subject property at 837-839 Hayes Street. Appeal No(s). 05-028, Cousins vs. DBI, decided May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial and grant the permit with findings to be adopted on June 8, 2005. Project: correct the record to reflect two legal existing units; no work proposed.

ACTION: Findings not ready. Rescheduled to July 20, 2005.

(3F) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2889 – 24th Street. Permit issued on April 22, 2005. Last day to appeal was May 9, 2005. Jurisdiction request received May 19, 2005. Letter from Laurence Berg, requestor(s), asking that the Board take jurisdiction over Building Permit Application No(s). 2003/03/25/0625S. Permit Holder(s): Mike Boschetto. Project: construction of a 4-story, 8-unit retail/apartment building with 4,942sf of ground floor area.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to continue the matter to June 29, 2005 with the public hearing closed.

SPEAKERS: Lawrence Berg, requestor; Tony Pantaleoni, agent for permit holder.

(3G) **REHEARING REQUEST:**

Subject property at 1234 – 19th Avenue. Letter from Lawrence Badiner, Zoning Administrator, requesting rehearing of Appeal No(s). 04-113, Romanov vs. DBI, PCD, decided May 4, 2005, and findings adopted on May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial, grant the demolition permit with adoption of findings on May 18, 2005. Appellant(s): Edward Romavov. Project: demolish a 2-story single-family house with 1,506sf of ground floor area.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-2 (Commissioner Knox and Vice President Saunders dissented) to deny the request for rehearing.

SPEAKERS: Craig Nikitas, PD; Joel Yodowitz, attorney for appellant; Judith Berkowitz, for PC; Mary Anne Miller, for PC.

(4) APPEAL NO. 03-154

ULYSSES NAPURI dba “LAST STOP SOUVENIR”, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	498 Beach Street. Appealing the denial on May 5, 2003, of a Sidewalk Display Merchandise Permit. ORDER NO. 174,098. JURISDICTION GRANTED ON 9/17/2003. PUBLIC HEARING HELD & CLOSED ON DECEMBER 10, 2003. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 3-2 (Commissioners Knox and Fung dissented) to overrule the denial and grant the permit. Denial upheld.

SPEAKERS: John Kwong, DPW BSM; Maria Napuri, wife of appellant.

(5) APPEAL NO. 04-035

CRYSTAL LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	337 – 28th Avenue. Appealing the suspension on April 23, 2004, of Building Permit Application No(s). 2003/04/15/2287, 2003/07/15/9528, & 2003/05/27/5515. Reason(s) for suspension: the scope of work and building information described on the building permit applications and approved plans does not reflect the actual condition and legal use of the building. PUBLIC HEARING HELD & CLOSED ON AUGUST 18, 2004. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-1 (Vice President Saunders dissented) to uphold the suspension of the subject permits.

SPEAKERS: Leo McFadden, DBI; Archie Clarizio, attorney for appellant.

(6) **APPEAL NO. 04-114**

EDWARD ROMANOV, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (Mandatory DR)	1228 – 19th Avenue. Appealing the denial on August 13, 2004, of Permit to Erect a Building (4-story, 3-unit condominium building with 1,850sf of ground floor area). APPLICATION NO. 2002/06/10/8646S. PUBLIC HEARING HELD & CLOSED ON MAY 4, 2005. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial and grant the permit with revised plans, and with findings to be adopted at a later date.

SPEAKERS: Craig Nikitas, PD; Tony Pantaleoni, agent for appellant.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 04-182**

ELLEN TSANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2650 Hyde Street. Protesting the issuance on November 18, 2004, to Douglas Greenwood, Permit to Alter a Building (on a two-unit building: rehabilitation of deck and staircase). APPLICATION NO. 2004/11/18/9555. PUBLIC HEARING HELD ON MAY 4, 2004, BUT STILL REMAINS OPEN. FOR FURTHER CONSIDERATION TODAY.

(7B) **APPEAL NO. 05-057**

ARZA TRUST, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2650-2652 Hyde Street. Protesting the issuance on March 8, 2005, to Craig Greenwood, Permit to Alter a Building (on 2-unit residential building: raise existing guardrail at rear deck at 3rd floor to +36" above existing deck; confirm and replace any dry rot at deck boards in field and replace no more than 40%; legalize existing roof deck at 3rd floor; per NOV). APPLICATION NO. 2005/03/08/6970. PUBLIC HEARING HELD ON MAY 4, 2004, BUT REMAINS OPEN. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to uphold both permits.

SPEAKERS: Steve Williams, attorney for appellants; Bill Abend, agent for appellants; Craig Nikitas, PD; Leo McFadden, DBI.

(8) **APPEAL NO. 05-027**

ROBERTO & JOSEPHINE SOTO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	452 Wilde Avenue. Protesting the issuance on February 2, 2005, to M.E. Godinet, Permit to Alter a Building (on single-family house: rebuild deck, replace in-kind using existing footings; comply with NOV No. 200557087). APPLICATION NO. 2005/02/02/4573. PUBLIC HEARING HELD ON JUNE 1, 2005, BUT REMAINS OPEN FOR REPORT BY DBI AND REBUTTALS. FOR FURTHER CONSIDERATION TODAY.

ACTION: None. Appeal withdrawn by the appellants.

(9) **APPEAL NO. 05-066**

MOLI STEINERT, Appellant(s) vs. DEPARTMENT OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	148 Bocana Street. Appealing the denial on April 2, 2005, of Permit to Remove & Replace One (1) Tree. ORDER NO. 175,251. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to continue the matter to July 27, 2005 with the public hearing closed.

SPEAKERS: Carla Short, DPW BUF; Moli Steinert, appellant; Joseph Robbins, for appellant; Katy Gough, for BUF; J. Frank Munns, for appellant; Bud Ryerson, for BUF; Ross Inden, for BUF; Robert Henderson, for appellant; Terry Miln, for BUF.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 04-103**

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Demolish a Building (2-story single family house with 1,235sf of ground floor area). APPLICATION NO. 2002/11/22/2107. FOR HEARING TODAY.

(10B) **APPEAL NO. 04-104**

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Erect a Building (3-story single family house with 1,089sf of ground floor area). APPLICATION NO. 2002/11/22/2105S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-1 (President Sugaya dissented) to reschedule the matters to August 10, 2005.

SPEAKERS: Craig Nikitas, PD; Jeremy Paul, agent for appellant; Camela Curry, for PC.

(11) **APPEAL NO. 04-206**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 Pennsylvania Avenue. Appealing a Notice of Violation dated December 13, 2004, addressed to Tripe A Machine Shop Inc. & Viacom Outdoor, that the general advertising sign on the subject property is taller than 25 feet, that the face of the sign is larger than 1,344sf, and that the sign faces the freeway; these conditions do not comply with approved sign application no. 2000/09/22/1332, and violate Planning Code § 607. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to reschedule the hearing to July 27, 2005 at the written request of the parties.

SPEAKERS: None.

(12) **APPEAL NO. 05-002**

GARY RAUGH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	2220-2222 Sacramento Street. Appealing the denial on January 4, 2005, of Site Permit to Alter a Building (application associated with variance case no. 2004.0061V to reflect as-built conditions of garage door; to resolve NOV no. 200341797). APPLICATION NO. 2004/10/18/7116S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 4-1 (President Sugaya dissented) to reschedule to Call of Chair so that the Certificate of Appropriateness (C of A) process can take place at the Planning Commission.

SPEAKERS: Craig Nikitas, PD; Jeremy Paul, agent for appellant.

ITEMS (13A), (13B), (13C), (13D), (13E), (13F), & (13G) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

(13G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to continue the matters to June 29, 2005 with the public hearing closed, and a report from the Planning Dept.

SPEAKERS: Daniel Yang, agent for appellants; Christine Beard, agent for appellants; Kay Cavagnaro, agent for appellants; Matthew Brennan, attorney for permit holder; Sherri Duffy, wife of permit holder; Rodrigo Santos, agent for permit holder; Craig Nikitas, PD; Mike Rabbitt, for permit holder; Sean Duffy, permit holder.

ITEMS (14A) & (14B) SHALL BE HEARD TOGETHER:

(14A) **APPEAL NO. 05-064**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Permit to Demolish a Building (single-story building with 320sf of ground floor area). APPLICATION NO. 2004/12/02/0582. FOR HEARING TODAY.

(14B) **APPEAL NO. 05-065**

AMY McDOUGALL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	1740 Filbert Street. Appealing the denial on April 15, 2005, of Site Permit to Erect a Building (4-story single-family dwelling with 1,224sf of ground floor area). APPLICATION NO. 2004/12/02/0571S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Saunders, the Board voted 5-0 to uphold both denials.

SPEAKERS: Matthew Francois, attorney for appellant; Kacy Qua, for PD; Norman Leung, for PD; Alvin Fong, for PD; Phillip Ng, for PD; Nancy Rose, for PD; Arlene Wong, for PD; Dennis Wong, for PD; Steve Williams, attorney for neighbors; Amy McDougell, appellant.

(15) **APPEAL NO. 05-068**

DON PUTNAM & SUSANN KELLISON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	212 Union Street. Appealing a Permit Suspension Request dated April 14, 2005, addressed to Acting Director Jim Hutchinson of the Dept. of Building Inspection, asking that all active building permits at the subject property be suspended. Reason(s) for suspension: Planning Department staff believes that work has taken place which exceeds the scope of the active building permits. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Fung absent) to reschedule the hearing to August 10, 2005 at the written request of the parties.

SPEAKERS: None.

There being no further business, President Sugaya adjourned the meeting at 11:30 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

AND PLANNING COMMISSION

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR SPECIAL JOINT MEETING

WEDNESDAY, JUNE 15, 2005 - 5:30 P.M., CITY HALL

RM. 250 (BD. OF SUPERVISORS' LEGISLATIVE CHAMBER)

MEMBERS OF THE BOARD OF APPEALS:	MEMBERS OF THE PLANNING COMMISSION:
Hisashi Sugaya, President	Sue Lee, President
Sabrina Saunders, Vice President	Dwight Alexander, Vice President
Frank Fung, Commissioner	Michael Antonini, Commissioner
Michael Garcia, Commissioner	Shelley Bradford Bell, Commissioner
Randall Knox, Commissioner	Kevin Hughes, Commissioner
	William Lee, Commissioner
	Christina Olague, Commissioner

(1) **WORKSHOP & DISCUSSION**:

ITEM A: Discussion between Board of Appeals and Planning Commission of the Planning Commission's policy objectives in adopting the Residential Demolition Policy (Motion 16700) and the Dwelling Unit Merger Policy (Motion 16078) and related Board of Appeals decisions, including a brief presentation by the Office of the City Attorney of the relative roles of the Planning Commission and Board of Appeals in implementing Planning Commission policies.

ITEM B: Public Comment; opportunity for members of the public to address the Board of Appeals and the Planning Commission on the subject matter of this special joint meeting.

NOTE: No action shall be taken on any topic under discussion.

ADJOURNMENT.

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 7th, 2005**

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MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 29, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) SPECIAL ITEM:

Subject property at 817 Terry Francois Blvd. Board of Appeals action: whether to accept the Port Commission's delegation to the Board of Appeals of authority to hear and decide an appeal of the Entertainment Commission's suspension of place of entertainment and extended hours premises permits issued to James V. Kelly dba "Kelly's Mission Rock", a business located on property under the jurisdiction of the Port Commission and, if the Board accepts such delegated authority, to ratify staff action accepting an appeal and setting the hearing for July 20, 2005.

06-27-05A09:55 RCVD

(4) ADDENDUM ITEMS:

(4A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

(4B) REHEARING REQUEST:

Subject property at 1923 Webster Street. Letter from Hendrik Bakker, appellant(s), requesting rehearing of Appeal No(s). 05-042, Bakker vs. DBI, PDA, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Vice President Saunders absent) to uphold the subject permit. Permit Holder(s): 1923 Webster LLC. Project: on single-family house, raise building 2 feet, add garage and rear addition; BPA No. 2004/03/01/7434S.

(4C) **REHEARING REQUEST:**

Taxi Medallion No. 207. Letter from Joseph Breall, appellant(s), requesting rehearing of Appeal No(s). 05-033, Breall vs. TC, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Saunders and Commissioner Fung dissented) to uphold the Taxi Commission's revocation of the subject medallion.

(4D) **REHEARING REQUEST:**

Subject property at 1 La Avanzada Drive (Sutro Tower). Letter from Walter Caplan, agent for Midtown Terrace HOA et al., appellant(s), requesting rehearing of Appeal No(s). 05-051, Midtown Terrace HOA et al. vs. ZA, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Vice President Saunders absent) to uphold the Zoning Administrator's determination concerning Building Permit Application Nos. 2004/11/05/8607, 2004/12/20/1816 & 2005/01/25/3910, which are Sutro Tower's most recent building permit applications.

(4E) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2889 – 24th Street. Permit issued on April 22, 2005. Last day to appeal was May 9, 2005. Jurisdiction request received May 19, 2005. Letter from Laurence Berg, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2003/03/25/0625S. Permit Holder(s): Mike Boschetto. Project: construction of a 4-story, 8-unit retail/apartment building with 4,942sf of ground floor area. **Note:** Public hearing on this jurisdiction request was held and closed on June 8, 2005. Furthermore, Appeal No. 05-081, concerning the demolition permit at this property, is currently scheduled for July 20, 2005.

(4F) **ADOPTION OF FINDINGS:**

Subject property at 1234 – 19th Avenue. Appeal No(s). 04-114, Romanov vs. DBI, PCD, decided June 8, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial of the site permit by the Planning Commission, and grant this site permit with revised plans, and with findings to be adopted at a later date. Project: construction of a 4-story, 3-unit condominium building with 1,850sf of ground floor area, BPA No. 2002/06/10/8646S.

(4G) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 424 Myra Way. Permits issued on Nov. 10, 2004 and March 22, 2005. Last day to appeal was Nov. 25, 2004, and April 6, 2005, respectively. Jurisdiction request received June 9, 2005. Letter from Anthony Caires, requestor(s), asking that the Board take jurisdiction over Building Permit Application Nos. 2004/11/10/8920 and 2005/03/22/8115. Permit Holder(s): Chen Liang. Project, 1st permit: remodel bath and bedroom on 2nd floor, remodel kitchen, garage and bath on 1st floor. Project, 2nd permit: upgrade foundation of the building.

(5) **APPEAL NO. 05-005**

TIMOTHY BLAINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3330 Pierce Street. Appealing the denial on Nov. 10, 2004, of Permit to Alter a Building (on 21-unit apartment building: replace all exterior windows). APPLICATION NO. 2004/09/01/3110. PUBLIC HEARING HELD & CLOSED ON APRIL 20, 2005. FOR FURTHER CONSIDERATION TODAY.

ITEMS (6A), (6B), (6C), (6D), (6E), (6F), & (6G) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(7) **APPEAL NO. 04-066**

JAMIE YUEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 10, 2004, of medallion no(s). 1100. RESOLUTION NO. 2004-31. FOR HEARING TODAY.

(8) **APPEAL NO. 04-073**

DIANE COHEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 18, 2004, of medallion no(s). 1147. RESOLUTION NO. 2004-37. FOR HEARING TODAY.

(9) **APPEAL NO. 04-122**

BORIS SHAMIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension on September 1, 2004, of a Driver of Public Passenger Vehicle For Hire Permit. PERMIT NO. 055382. RESOLUTION NO. 2004-48. FOR HEARING TODAY.

(10) **APPEAL NO. 05-079**

CHEVRON STATION NO. 1768, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3675 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-232. FOR HEARING TODAY.

(11) **APPEAL NO. 05-069**

THRIFTY PAYLESS RITE AID NO. 6205, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5280 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-223. FOR HEARING TODAY.

(12) **APPEAL NO. 05-070**

OSAMA AL SWEITI dba "VAN NESS FOOD CO.", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1356 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 04-05-227. FOR HEARING TODAY.

(13) **APPEAL NO. 05-071**

CURRIE'S CHEVRON, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2465 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-115. FOR HEARING TODAY.

(14) **APPEAL NO. 05-072**

TIEN LY & TRI NGUYEN dba "VAN NESS & FILBERT 76 STATION", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2559 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-117. FOR HEARING TODAY.

(15) **APPEAL NO. 05-073**

WALGREENS NO. 02153, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	790 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-200. FOR HEARING TODAY.

(16) **APPEAL NO. 05-076**

LINDA LU dba "7-ELEVEN", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5100 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-222. FOR HEARING TODAY.

(17) **APPEAL NO. 05-077**

SAM PARK & JUNG HUI dba "STATE MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4751 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-233. FOR HEARING TODAY.

(18) **APPEAL NO. 05-078**

KI BUM KIM dba "PARK WALKER MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3500 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-119. FOR HEARING TODAY.

(19) **APPEAL NO. 05-087**

KI SOON CHUNG dba “VAN NESS KENO ICE CREAM”, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	26 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR’S CASE NO. 02-05-221. JURISDICTION GRANTED MAY 11, 2005. FOR HEARING TODAY.

(20) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER’S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet in height on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

(21) **APPEAL NO. 05-082**

TIBOR VOZAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	643 Greenwich Street. Protesting the issuance on April 21, 2005, to Kara Parsons, Site Permit to Alter a Building (on single-family house: add two stories on top of existing two-story building). APPLICATION NO. 2002/11/27/2429S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant’s Brief; 2) Permit Holder's, Respondent’s or Other Parties’ Brief; 3) Appellant’s Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 23rd, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 29, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Craig NIkitas, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Vice President Sabrina Saunders.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) SPECIAL ITEM:

Subject property at 817 Terry Francois Blvd. Board of Appeals action: whether to accept the Port Commission's delegation to the Board of Appeals of authority to hear and decide an appeal of the Entertainment Commission's suspension of place of entertainment and extended hours premises permits issued to James V. Kelly dba "Kelly's Mission Rock", a business located on property under the jurisdiction of the Port Commission and, if the Board accepts such delegated authority, to ratify staff action accepting an appeal and setting the hearing for July 20, 2005.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reject the delegation of authority from the Port Commission.

SPEAKERS: Robert Davis, Entertainment Commission.

(4) ADDENDUM ITEMS:

(4A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 368-370 Dolores Street. Permit issued on December 3, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on February 17, 2005. Letter from Karen Hull, attorney for Graciela Garcia et al., requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/11/19/9985. Permit Holder(s): Ugo Sap. Project: on 2-unit building, comply with NOV No. 199816131, revert back to 2-family dwelling from 10 illegally converted guest rooms, and rebuild egress stair at rear.

ACTION: None. Withdrawn by requestors.

SPEAKERS: None.

(4B) REHEARING REQUEST:

Subject property at 1923 Webster Street. Letter from Hendrik Bakker, appellant(s), requesting rehearing of Appeal No(s). 05-042, Bakker vs. DBI, PDA, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Vice President Saunders absent) to uphold the subject permit. Permit Holder(s): 1923 Webster LLC. Project: on single-family house, raise building 2 feet, add garage and rear addition; BPA No. 2004/03/01/7434S.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to deny the rehearing request.

SPEAKERS: Hendrik Bakker, appellant; Alice Barkley, attorney for permit holder.

(4C) REHEARING REQUEST:

Taxi Medallion No. 207. Letter from Joseph Breall, appellant(s), requesting rehearing of Appeal No(s). 05-033, Breall vs. TC, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Saunders and Commissioner Fung dissented) to uphold the Taxi Commission's revocation of the subject medallion.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the hearing to August 24, 2005 at the written request of the parties.

SPEAKERS: None.

(4D) REHEARING REQUEST:

Subject property at 1 La Avanzada Drive (Sutro Tower). Letter from Walter Caplan, agent for Midtown Terrace HOA et al., appellant(s), requesting rehearing of Appeal No(s). 05-051, Midtown Terrace HOA et al. vs. ZA, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Vice President Saunders absent) to uphold the Zoning Administrator's determination concerning Building Permit Application Nos. 2004/11/05/8607, 2004/12/20/1816 & 2005/01/25/3910, which are Sutro Tower's most recent building permit applications.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-1-1 (Commissioner Knox dissented, Vice President Saunders absent) to deny the rehearing request.

SPEAKERS: Walter Caplan, attorney for appellants; Robert McCarthy, attorney for subject property owner.

(4E) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2889 – 24th Street. Permit issued on April 22, 2005. Last day to appeal was May 9, 2005. Jurisdiction request received May 19, 2005. Letter from Laurence Berg, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2003/03/25/0625S. Permit Holder(s): Mike Boschetto. Project: construction of a 4-story, 8-unit retail/apartment building with 4,942sf of ground floor area. **Note:** Public hearing on this jurisdiction request was held and closed on June 8, 2005. Furthermore, Appeal No. 05-081, concerning the demolition permit at this property, is currently scheduled for July 20, 2005.

ACTION: Upon motion by Commissioner, the Board voted 4-0-1 (Vice President Saunders absent) to grant the jurisdiction request and to set both appeals for August 24, 2005.

SPEAKERS: Laurence Berg, requestor; Suzanne Kelly, attorney for permit holder.

(4F) ADOPTION OF FINDINGS:

Subject property at 1234 – 19th Avenue. Appeal No(s). 04-114, Romanov vs. DBI, PCD, decided June 8, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to overrule the denial of the site permit by the Planning Commission, and grant this site permit with revised plans, and with findings to be adopted at a later date. Project: construction of a 4-story, 3-unit condominium building with 1,850sf of ground floor area, BPA No. 2002/06/10/8646S.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to adopt the findings as amended.

SPEAKERS: None.

(4G) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 424 Myra Way. Permits issued on Nov. 10, 2004 and March 22, 2005. Last day to appeal was Nov. 25, 2004, and April 6, 2005, respectively. Jurisdiction request received June 9, 2005. Letter from Anthony Caires, requestor(s), asking that the Board take jurisdiction over Building Permit Application Nos. 2004/11/10/8920 and 2005/03/22/8115. Permit Holder(s): Chen Liang. Project, 1st permit: remodel bath and bedroom on 2nd floor, remodel kitchen, garage and bath on 1st floor. Project, 2nd permit: upgrade foundation of the building.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to deny the jurisdiction request.

SPEAKERS: None. Requestor did not appear.

(5) APPEAL NO. 05-005

TIMOTHY BLAINE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	3330 Pierce Street. Appealing the denial on Nov. 10, 2004, of Permit to Alter a Building (on 21-unit apartment building: replace all exterior windows). APPLICATION NO. 2004/09/01/3110. PUBLIC HEARING HELD & CLOSED ON APRIL 20, 2005. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the denial, and grant the permit with the following conditions: on the basis of a 3rd party window survey, those windows on both street facades that can be repaired will be, and those that cannot will be replaced in like and kind, with wood sash and either true divided lites or muntin grids on both the interior and exterior glass surfaces.

SPEAKERS: Craig Nikitas, PD; Gregory Blaine, agent for appellant.

ITEMS (6A), (6B), (6C), (6D), (6E), (6F), & (6G) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 05-023**

MARGARET & ARMEN DILDILIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (on single-family house: 1st floor, open garage door up, enclose staircase; 2nd floor, remodel powder room, kitchen and family room; 3rd floor, new bedrooms (3), baths (2) and laundry). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6B) **APPEAL NO. 05-024**

KAY CAVAGNARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6C) **APPEAL NO. 05-025**

DAVID GOLDBLATT & CHRISTINE BEARD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6D) **APPEAL NO. 05-029**

BOBBY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6E) **APPEAL NO. 05-030**

LILY LONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6F) **APPEAL NO. 05-031**

JOSEPH YU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

(6G) **APPEAL NO. 05-032**

JOHNSON YANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	345 Noriega Street. Protesting the issuance on February 2, 2005, to Sean Duffy, Permit to Alter a Building (as described in item 13A). APPLICATION NO. 2004/02/05/5689S. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY, WITH A REPORT FROM THE PLANNING DEPT.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the permit.

SPEAKERS: Craig Nikitas, Planning Department; Laurence Kornfield, DBI.

(7) **APPEAL NO. 04-066**

JAMIE YUEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 10, 2004, of medallion no(s). 1100. RESOLUTION NO. 2004-31. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the appeal to August 24, 2005.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Sgt. Vince Simpson, Taxi Detail, SFPD.

(8) **APPEAL NO. 04-073**

DIANE COHEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 18, 2004, of medallion no(s). 1147. RESOLUTION NO. 2004-37. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the appeal to August 24, 2005.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Sgt. Vince Simpson, Taxi Detail, SFPD.

(9) **APPEAL NO. 04-122**

BORIS SHAMIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension on September 1, 2004, of a Driver of Public Passenger Vehicle For Hire Permit. PERMIT NO. 055382. RESOLUTION NO. 2004-48. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the appeal to August 24, 2005.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Sgt. Vince Simpson, Taxi Detail, SFPD.

(10) **APPEAL NO. 05-079**

CHEVRON STATION NO. 1768, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3675 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-232. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Claire Weglarz, attorney for appellant; Alyonik Hrushow, DPH; David Falzon, SFPD; Ed Walsh, DPH.

(11) **APPEAL NO. 05-069**

THRIFTY PAYLESS RITE AID NO. 6205, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5280 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-223. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Jonathan Klein, attorney for appellant.

(12) **APPEAL NO. 05-070**

OSAMA AL SWEITI dba "VAN NESS FOOD CO.", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1356 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 04-05-227. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Sam Sweiti, agent for appellant.

(13) **APPEAL NO. 05-071**

CURRIE'S CHEVRON, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2465 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-115. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Harvey Stein, attorney for appellant.

(14) **APPEAL NO. 05-072**

TIEN LY & TRI NGUYEN dba "VAN NESS & FILBERT 76 STATION", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	2559 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-117. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Tri Nguyen, co-appellant; Tien Ly, co-appellant.

(15) **APPEAL NO. 05-073**

WALGREENS NO. 02153, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	790 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-200. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; H. Gregory Nelch, attorney for appellant.

(16) **APPEAL NO. 05-076**

LINDA LU dba "7-ELEVEN", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	5100 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-222. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Linda Lu, appellant.

(17) **APPEAL NO. 05-077**

SAM PARK & JUNG HUI dba "STATE MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4751 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-233. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Anne Marie Liermann, attorney for appellant.

(18) **APPEAL NO. 05-078**

KI BUM KIM dba "PARK WALKER MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3500 Geary Boulevard. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-119. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 3-0-2 (Vice President Saunders, Commissioner Fung absent) to reschedule the appeal to August 17, 2005. Afterwards, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to rescind the previous vote and to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Johnson Ojo, DPH; Anne Marie Liermann, attorney for appellant.

(19) **APPEAL NO. 05-087**

KI SOON CHUNG dba "VAN NESS KENO ICE CREAM", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	26 Van Ness Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 02-05-221. JURISDICTION GRANTED MAY 11, 2005. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a zero-day suspension with a finding that the appellant has already served a 15-day suspension.

SPEAKERS: Johnson Ojo, DPH; Ki Soon Chung, appellant.

(20) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER'S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet in height on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the appeal to August 24, 2005 at the written request of the parties.

SPEAKERS: None.

(21) **APPEAL NO. 05-082**

TIBOR VOZAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	643 Greenwich Street. Protesting the issuance on April 21, 2005, to Kara Parsons, Site Permit to Alter a Building (on single-family house: add two stories on top of existing two-story building). APPLICATION NO. 2002/11/27/2429S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-1 (Vice President Saunders absent) to recuse Commissioner Fung. Afterwards, upon motion by Commissioner Knox, the Board voted 3-0-2 (Vice President Saunders absent, Commissioner Fung recused) to reschedule the appeal to July 27, 2005.

SPEAKERS: Tibor Vozar, appellant; Kara Parsons, permit holder.

There being no further business, President Sugaya adjourned the meeting at 9:15 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 20, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

07-13-05A11:2 RCVD

(3A) ADOPTION OF FINDINGS:

Subject property at 837-839 Hayes Street. Appeal No(s). 05-028, Cousins vs. DBI, decided May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial and grant the permit with findings to be adopted at a later date. Project: correct the record to reflect two legal existing units; no work proposed.

(3B) REHEARING REQUEST(S):

Subject property at 498 Beach Street. Letter from Ulysses Napuri, appellant(s), requesting rehearing of Appeal No(s). 03-154, Napuri vs. DPW BSM, decided June 8, 2005. At that time, upon motion by President Sugaya, the Board voted 3-2 (Commissioners Fung and Knox dissented) to overrule the denial by the Dept. of Public Works, and grant the Sidewalk Display Merchandise Permit. Four votes being required to overrule a departmental action under Charter § 4.106, the denial of the subject permit was upheld.

(3C) REHEARING REQUEST(S):

Subject property at 1740 Filbert Street. Letter from Amy McDougall, appellant(s), requesting rehearing of Appeal No(s). 05-064/065, McDougall vs. DBI, PDD, decided June 8, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the denial of both permits by the Planning Department. Project, 1st permit: demolish a single-story building with 320sf of ground floor area, BPA No. 2004/12/02/0582. Project, 2nd permit: construction of a 4-story single-family dwelling with 1,224sf of ground floor area, BPA No. 2004/12/02/0571S.

(3D) REHEARING REQUEST(S):

Subject property at 2650-2652 Hyde Street. Letter from Stephen Williams, attorney for Ellen Tsang and Arza Trust, appellant(s), requesting rehearing of Appeal No(s). 04-182 & 05-057, Tsang vs. DBI, PDA and Arza Trust vs. DBI, PDA, decided June 8, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to uphold both permits. Permit Holder(s): Douglas Greenwood and Craig Greenwood. Project, 1st permit: on a two-unit building, rehabilitation of deck and staircase, BPA No. 2004/11/18/9555. Project, 2nd permit: on two-unit building, raise existing guardrail at rear deck at 3rd floor to +36" above existing deck; confirm and replace any dry rot at deck boards in field and replace no more than 40%; legalize existing roof deck at 3rd floor; per NOV; BPA No. 2005/03/08/6970.

(3E) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

RESCHEDULED TO Sept. 14, 2005

(4) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

ITEMS (5A)/(5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 03-057**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Permit to Demolish a Building (2-story single-family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4580.

(5B) **APPEAL NO. 03-084**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Site Permit to Erect a Building (3-story single family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4585S. **Note:** Pursuant to Superior Court Case No(s). CPF-03-503646, Bernal Heights Preservation and Kendall Goh vs. City & County of San Francisco et al., the Board of Appeals is required to set aside its decision of June 11, 2003 granting the above permits. Once the June 11, 2003 decision is set aside, the successor in interest to the project sponsor requests the Board to accept his withdrawal of the original appeals. FOR FURTHER CONSIDERATION TODAY.

(6) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. PUBLIC HEARING HELD & CLOSED ON APRIL 13, 2005. FOR FURTHER CONSIDERATION TODAY.

(7) **APPEAL NO. 05-083**

VERIZON WIRELESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	No specific subject property. Appealing the denial on April 25, 2005, of a Utility Conditions Permit. FOR HEARING TODAY.

(8) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

RESCHEDULED TO Sept. 14, 2005

(9) **APPEAL NO. V04-204**

ELIZABETH FREITAS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1015 Diamond Street. Appealing the denial on December 16, 2004, of Minimum Lot Area & Rear Yard Variances (proposal is to subdivide an existing through lot of approximately 4,322sf in area into two separate lots). VARIANCE CASE NO. 2004.1108V. FOR HEARING TODAY.

RESCHEDULED TO Aug. 24, 2005

10) **APPEAL NO. 05-081**

LAURENCE BERG, SANDRA STRINGER, MAURISA THIGPEN, & JOERG WESTERMANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2889 – 24th Street. Protesting the issuance on April 22, 2005, to Mike Boschetto, Permit to Demolish a Building (single-story pool hall / restaurant with 3,233sf of ground floor area). APPLICATION NO. 2003/03/25/0620. FOR HEARING TODAY.

ITEMS (11A/11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 05-088**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1105. FOR HEARING TODAY.

(11B) **APPEAL NO. 05-089**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1102. FOR HEARING TODAY.

(12) **APPEAL NO. 05-090**

FRANK & LYNN EHRET, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2404 Broadway. Protesting the issuance on May 2, 2005, to Dean Cash, Site Permit to Alter a Building (on single-family house: major renovation and façade alteration except the front façade; front façade to remain similar to original façade; fire sprinkler under separate permit). APPLICATION NO. 2004/04/08/0804S. FOR HEARING TODAY.

WITHDRAWN

ITEMS (13A/13B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-084**

NANCY DAVIS & DONNA HITCHENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-085**

MARK & JOANNE MADSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: July 14, 2005

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 20, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Vice President Sabrina Saunders.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADDENDUM ITEMS:**

(3A) **ADOPTION OF FINDINGS:**

Subject property at 837-839 Hayes Street. Appeal No(s). 05-028, Cousins vs. DBI, decided May 18, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Saunders absent) to overrule the denial and grant the permit with findings to be adopted at a later date. Project: correct the record to reflect two legal existing units; no work proposed.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to adopt the findings with amendments as read into the record by Jeremy Paul (agent for appellant).

SPEAKERS: Jeremy Paul, agent for appellant.

(3B) REHEARING REQUEST(S):

Subject property at 498 Beach Street. Letter from Ulysses Napuri, appellant(s), requesting rehearing of Appeal No(s). 03-154, Napuri vs. DPW BSM, decided June 8, 2005. At that time, upon motion by President Sugaya, the Board voted 3-2 (Commissioners Fung and Knox dissented) to overrule the denial by the Dept. of Public Works, and grant the Sidewalk Display Merchandise Permit. Four votes being required to overrule a departmental action under Charter § 4.106, the denial of the subject permit was upheld.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to deny the request for rehearing.

SPEAKERS: Maria Napuri, wife of appellant; John Kwong, DPW BSM; Jonas Ionin, Planning Department; Laurence Kornfield, DBI; Susan Holder, for appellant.

(3C) REHEARING REQUEST(S):

Subject property at 1740 Filbert Street. Letter from Amy McDougall, appellant(s), requesting rehearing of Appeal No(s). 05-064/065, McDougall vs. DBI, PDD, decided June 8, 2005. At that time, upon motion by Commissioner Saunders, the Board voted 5-0 to uphold the denial of both permits by the Planning Department. Project, 1st permit: demolish a single-story building with 320sf of ground floor area, BPA No. 2004/12/02/0582. Project, 2nd permit: construction of a 4-story single-family dwelling with 1,224sf of ground floor area, BPA No. 2004/12/02/0571S.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Jan. 11, 2006 at the written request of the parties.

SPEAKERS: None.

(3D) REHEARING REQUEST(S):

Subject property at 2650-2652 Hyde Street. Letter from Stephen Williams, attorney for Ellen Tsang and Arza Trust, appellant(s), requesting rehearing of Appeal No(s). 04-182 & 05-057, Tsang vs. DBI, PDA and Arza Trust vs. DBI, PDA, decided June 8, 2005. At that time, upon motion by Commissioner Fung, the Board voted 5-0 to uphold both permits. Permit Holder(s): Douglas Greenwood and Craig Greenwood. Project, 1st permit: on a two-unit building, rehabilitation of deck and staircase, BPA No. 2004/11/18/9555. Project, 2nd permit: on two-unit building, raise existing guardrail at rear deck at 3rd floor to +36" above existing deck; confirm and replace any dry rot at deck boards in field and replace no more than 40%; legalize existing roof deck at 3rd floor; per NOV; BPA No. 2005/03/08/6970.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to deny both requests for rehearing.

SPEAKERS: Jeremy Paul, agent for appellant.

(3E) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Sept. 14, 2005 at the written request of the parties.

SPEAKERS: None.

(4) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Sept. 14, 2005 at the written request of the parties.

SPEAKERS: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 03-057**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Permit to Demolish a Building (2-story single-family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4580.

(5B) **APPEAL NO. 03-084**

RICHARD PETROCCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: KENDALL GOH	111 Manchester Street. Appealing the denial on April 14, 2003, of Site Permit to Erect a Building (3-story single family dwelling with 800sf of ground floor area). APPLICATION NO. 2002/04/22/4585S. **Note:** Pursuant to Superior Court Case No(s). CPF-03-503646, Bernal Heights Preservation and Kendall Goh vs. City & County of San Francisco et al., the Board of Appeals is required to set aside its decision of June 11, 2003 granting the above permits. Once the June 11, 2003 decision is set aside, the successor in interest to the project sponsor requests the Board to accept his withdrawal of the original appeals. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to set aside the June 11, 2003 decision granting both permits. Afterwards, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to accept the withdrawal of both appeals.

SPEAKERS: None.

(6) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. PUBLIC HEARING HELD & CLOSED ON APRIL 13, 2005. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to August 10, 2005.

SPEAKERS: Chuang Lin, agent for appellant.

(7) **APPEAL NO. 05-083**

VERIZON WIRELESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET USE & MAPPING, Respondent	No specific subject property. Appealing the denial on April 25, 2005, of a Utility Conditions Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Sept. 7, 2005 at the written request of the parties.

SPEAKERS: None.

(8) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to August 24, 2005.

SPEAKERS: Mark Brennan, attorney for appellant; David Levy, attorney for subject property owner.

(9) **APPEAL NO. V04-204**

ELIZABETH FREITAS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1915 Diamond Street. Appealing the denial on December 16, 2004, of Minimum Lot Area & Rear Yard Variances (proposal is to subdivide an existing through lot of approximately 4,322sf in area into two separate lots). VARIANCE CASE NO. 2004.1108V. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Sept. 14, 2005 at the written request of the parties.

SPEAKERS: None.

(10) **APPEAL NO. 05-081**

LAURENCE BERG, SANDRA STRINGER, MAURISA THIGPEN, & JOERG WESTERMANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2889 – 24th Street. Protesting the issuance on April 22, 2005, to Mike Boschetto, Permit to Demolish a Building (single-story pool hall / restaurant with 3,233sf of ground floor area). APPLICATION NO. 2003/03/25/0620. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to August 24, 2005.

SPEAKERS: None.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 05-088**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1105. FOR HEARING TODAY.

(11B) **APPEAL NO. 05-089**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1102. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to July 27, 2005.

SPEAKERS: Dean Preston, attorney for appellant; WB Coyle, permit holder; Laurence Kornfield, DBI.

(12) **APPEAL NO. 05-090**

FRANK & LYNN EHRET, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2404 Broadway. Protesting the issuance on May 2, 2005, to Dean Cash, Site Permit to Alter a Building (on single-family house: major renovation and façade alteration except the front façade; front façade to remain similar to original façade; fire sprinkler under separate permit). APPLICATION NO. 2004/04/08/0804S. FOR HEARING TODAY.

ACTION: None. Withdrawn by appellants.

SPEAKERS: None.

ITEMS (13A) & (13B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-084**

NANCY DAVIS & DONNA HITCHENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-085**

MARK & JOANNE MADSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to July 27, 2005.

SPEAKERS: Scott Emblidge, attorney for appellants; Mark Madsen, co-appellant; John Sanger, attorney for permit holder.

There being no further business, President Sugaya adjourned the meeting at 7:04 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 27, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 901 Bush Street. Permit issued on June 3, 2005. Last day to appeal was June 20, 2005. Jurisdiction request received July 6, 2005. Letter from Daisy MacArthur & Charles Rathbone, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/03/4112. Permit Holder(s): Lantana Ltd. Project: correct City records to establish use as 38 dwelling units.

(4) **APPEAL NO. 04-112**

PATRICK STOREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	674 – 5th Avenue. Protesting the issuance on August 9, 2004, to Lan Wong, Permit to Alter a Building (on single-family house: new emergency walkway (new deck) at the rear of the cottage on top of existing roof deck; comply with NOV No(s). 200449859; separate permit required for Nov No(s). 200451719; no work on front building). APPLICATION NO. 2004/06/02/5354. PUBLIC HEARING HELD ON 11/17/2004. FOR FURTHER CONSIDERATION TODAY. **Note: On Nov. 17, 2004, the Board voted 4-0-1 (SS absent) to reschedule this case to Call of Chair so the permit holder can meet with DBI to resolve the other code violations on the subject property.**

(5) **APPEAL NO. 05-066**

MOLI STEINERT, Appellant(s) vs. DEPARTMENT OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	148 Bocana Street. Appealing the denial on April 2, 2005, of Permit to Remove & Replace One (1) Tree. ORDER NO. 175,251. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY.

(6) **CONSENT ITEMS (DBI PENALTY):**

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(6A) **APPEAL NO. 05-095**

MICHAEL BRAUN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	239 Grant Avenue. Appeal for refund of penalty imposed on June 1, 2005, for work done without a permit (2 ADA bathrooms; remove and reinstall fixtures on 6 other bathrooms; water heater; new water system in building; relocate existing waste). PLUMBING PERMIT NO. P466500. FOR HEARING TODAY.

7) **APPEAL NO. 04-191**

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): REALTIME PROPERTIES LLC RESCHEDULED TO Sept. 21, 2005	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

(8) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent RESCHEDULED TO Sept. 7, 2005	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for suspension: the Planning Dept. believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's actions. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

(9) **APPEAL NO. 04-206**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 Pennsylvania Avenue. Appealing a Notice of Violation dated December 13, 2004, addressed to Tripe A Machine Shop Inc. & Viacom Outdoor, that the general advertising sign on the subject property is taller than 25 feet, that the face of the sign is larger than 1,344sf, and that the sign faces the freeway; these conditions do not comply with approved sign application no. 2000/09/22/1332, and violate Planning Code § 607. FOR HEARING TODAY.

(10) **APPEAL NO. 05-082**

TIBOR VOZAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	643 Greenwich Street. Protesting the issuance on April 21, 2005, to Kara Parsons, Site Permit to Alter a Building (on single-family house: add two stories on top of existing two-story building). APPLICATION NO. 2002/11/27/2429S. FOR HEARING TODAY.

(11) **APPEAL NO. 05-091**

ELIAS HAN HAN dba "NEW POTRERO MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1301 – 18th Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on May 11, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 03-05-238. FOR HEARING TODAY.

(12) **APPEAL NO. 05-092**

ROLF KAISER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	758 Haight Street. Appealing a determination dated May 18, 2005, addressed to Vincent Labiano Abello, concerning the replacement of an existing legal, non-complying parking screen at the subject property. FOR HEARING TODAY.

(13) **APPEAL NO. 05-094**

ILYA KLEBANER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	571 Los Palmos. Protesting the issuance on May 13, 2005, to Joyce Hendrickson & Walter Murphy, Permit to Alter a Building (on single-family house: deck at ground floor level at rear of house; paving at patio; wood deck for spa). APPLICATION NO. 2005/05/13/2319. FOR HEARING TODAY.

14) **APPEAL NO. 05-097**

MARION WEIGERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	472 Clipper Street. Protesting the issuance on May 20, 2005, to Cinthia Wen, Permit to Alter a Building (on two-unit residential building: revision to B.P.A. No. 2005/04/14/0051 to include installation of a new interior stair within an existing two level dwelling unit resulting in the legalization of an existing lower level; no additional dwellings proposed). APPLICATION NO. 2005/05/20/3040. FOR HEARING TODAY.

15) **APPEAL NO. 05-098**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent RESCHEDULED TO Oct. 5, 2005	2240 Lombard Street. Appealing a determination dated May 24, 2005, addressed to Jacky Yan at Fortune America Inc. (New Subject Property Owners Simon Kwan et al.) concerning the legal status of the general advertising sign currently located on the west wall of the subject property. FOR HEARING TODAY.

ITEMS (16A/16B) SHALL BE HEARD TOGETHER:

(16A) **APPEAL NO. 05-088**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1105. FOR HEARING TODAY.

(16B) **APPEAL NO. 05-089**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1102. FOR HEARING TODAY.

ITEMS (17A/17B) SHALL BE HEARD TOGETHER:

(17A) **APPEAL NO. 05-084**

NANCY DAVIS & DONNA HITCHENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

(17B) **APPEAL NO. 05-085**

MARK & JOANNE MADSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: July 21, 2005

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
SABRINA N. SAUNDERS	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 27, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 901 Bush Street. Permit issued on June 3, 2005. Last day to appeal was June 20, 2005. Jurisdiction request received July 6, 2005. Letter from Daisy MacArthur & Charles Rathbone, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/03/4112. Permit Holder(s): Lantana Ltd. Project: correct City records to establish use as 38 dwelling units.

ACTION: Upon motion by Commissioner Fung, the Board voted 3-0 to recuse President Sugaya. Afterwards, upon motion by Commissioner Knox, the Board voted 3-0-2 (President Sugaya recused, Vice President Saunders absent) to reschedule the matter to August 10, 2005 due to lack of quorum.

SPEAKERS: None.

(4) **APPEAL NO. 04-112**

PATRICK STOREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	674 – 5th Avenue. Protesting the issuance on August 9, 2004, to Lan Wong, Permit to Alter a Building (on single-family house: new emergency walkway (new deck) at the rear of the cottage on top of existing roof deck; comply with NOV No(s). 200449859; separate permit required for Nov No(s). 200451719; no work on front building). APPLICATION NO. 2004/06/02/5354. PUBLIC HEARING HELD ON 11/17/2004. FOR FURTHER CONSIDERATION TODAY. **Note: On Nov. 17, 2004, the Board voted 4-0-1 (SS absent) to reschedule this case to Call of Chair so the permit holder can meet with DBI to resolve the other code violations on the subject property.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to August 10, 2005.

SPEAKERS: Laurence Kornfield, DBI; Patrick Storey, appellant.

(5) **APPEAL NO. 05-066**

MOLI STEINERT, Appellant(s) vs. DEPARTMENT OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	148 Bocana Street. Appealing the denial on April 2, 2005, of Permit to Remove & Replace One (1) Tree. ORDER NO. 175,251. PUBLIC HEARING HELD & CLOSED ON JUNE 8, 2005. FOR FURTHER CONSIDERATION TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule denial and grant the permit on condition that the replacement tree be a 48 inch box, and be of a species suitable to DPW BUF.

SPEAKERS: Carla Short, DPW BUF; Moli Steinert, appellant.

(6) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(6A) APPEAL NO. 05-095

MICHAEL BRAUN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	239 Grant Avenue. Appeal for refund of penalty imposed on June 1, 2005, for work done without a permit (2 ADA bathrooms; remove and reinstall fixtures on 6 other bathrooms; water heater; new water system in building; relocate existing waste). PLUMBING PERMIT NO. P466500. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reduce the penalty to 2 times the regular fee.

SPEAKERS: Laurence Kornfield, DBI.

(7) APPEAL NO. 04-191

NEXTMEDIA GROUP INC., Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subj. Prop. Owner(s): REALTIME PROPERTIES LLC	60 Broadway Street. Appealing a determination dated November 29, 2004, addressed to Steve Atkinson at Steefel, Levitt & Weiss LLP, that the Planning Department could not accept Nextmedia's June 2002 or November 2003 applications to erect a general advertising sign at the subject property as those applications were submitted after the passage of Proposition G, and similarly, that the Planning Department cannot accept any future applications from Nextmedia for a general advertising sign at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Sept. 21, 2005 at the written request of the parties.

SPEAKERS: None.

(8) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for suspension: the Planning Dept. believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's actions. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Sept. 7, 2005 at the written request of the parties.

SPEAKERS: None.

(9) **APPEAL NO. 04-206**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1111 Pennsylvania Avenue. Appealing a Notice of Violation dated December 13, 2004, addressed to Tripe A Machine Shop Inc. & Viacom Outdoor, that the general advertising sign on the subject property is taller than 25 feet, that the face of the sign is larger than 1,344sf, and that the sign faces the freeway; these conditions do not comply with approved sign application no. 2000/09/22/1332, and violate Planning Code § 607. FOR HEARING TODAY.

ACTION: None. Withdrawn by appellant.

SPEAKERS: None.

(10) **APPEAL NO. 05-082**

TIBOR VOZAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	643 Greenwich Street. Protesting the issuance on April 21, 2005, to Kara Parsons, Site Permit to Alter a Building (on single-family house: add two stories on top of existing two-story building). APPLICATION NO. 2002/11/27/2429S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to August 10, 2005 with letter notices to be mailed out, and with the appellant to send a representative to the hearing.

SPEAKERS: Brett Gladstone, attorney for permit holder; appellant did not appear.

(11) **APPEAL NO. 05-091**

ELIAS HAN HAN dba "NEW POTRERO MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1301 – 18th Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on May 11, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 03-05-238. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule DPH and instead impose a 10-day suspension.

SPEAKERS: Andrew Jin, DPH; Marwan Halteh, agent for appellant.

(12) **APPEAL NO. 05-092**

ROLF KAISER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	758 Haight Street. Appealing a determination dated May 18, 2005, addressed to Vincent Labiano Abello, concerning the replacement of an existing legal, non-complying parking screen at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Vice President Saunders absent) to continue the matter to August 10, 2005, with the public hearing closed, so that the Planning Dept. can research the front setbacks of the adjacent properties.

SPEAKERS: Lawrence Badiner, Zoning Administrator; Rolf Kaiser, appellant; Vincent Labiano Abello, agent for appellant.

(13) **APPEAL NO. 05-094**

ILYA KLEBANER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	571 Los Palmos. Protesting the issuance on May 13, 2005, to Joyce Hendrickson & Walter Murphy, Permit to Alter a Building (on single-family house: deck at ground floor level at rear of house; paving at patio; wood deck for spa). APPLICATION NO. 2005/05/13/2319. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the permit.

SPEAKERS: Ilya Klebaner, appellant; Michael Kurtzman, agent for permit holders.

(14) **APPEAL NO. 05-097**

MARION WEIGERT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	472 Clipper Street. Protesting the issuance on May 20, 2005, to Cinthia Wen, Permit to Alter a Building (on two-unit residential building: revision to B.P.A. No. 2005/04/14/0051 to include installation of a new interior stair within an existing two level dwelling unit resulting in the legalization of an existing lower level; no additional dwellings proposed). APPLICATION NO. 2005/05/20/3040. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to uphold the permit.

SPEAKERS: Dennis Hyde, attorney for appellant; Marion Weigert, appellant; Jeffrey Livingston, attorney for permit holder.

(15) **APPEAL NO. 05-098**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2240 Lombard Street. Appealing a determination dated May 24, 2005, addressed to Jacky Yan at Fortune America Inc. (New Subject Property Owners Simon Kwan et al.) concerning the legal status of the general advertising sign currently located on the west wall of the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to reschedule the matter to Oct. 5, 2005 at the written request of the parties.

SPEAKERS: None.

ITEMS (16A) & (16B) SHALL BE HEARD TOGETHER:

(16A) **APPEAL NO. 05-088**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #2. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1105. FOR HEARING TODAY.

(16B) **APPEAL NO. 05-089**

GUY CARSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	744 Union Street #5. Protesting the issuance on April 28, 2005, to W.B. Coyle / North Beach Partners LLC, Permit to Alter a Building (on 6-unit apartment building: remodel kitchen and bath; repair/replace wood floors as necessary; refinish floor for entire apartment; replace damaged floor, less than 200sf; replace sink, appliances, counter tops and cabinets in kitchen; and replace tub, sink and toilet in bathroom). APPLICATION NO. 2005/04/28/1102. FOR HEARING TODAY.

ACTION: None. Both appeals withdrawn by appellant.

SPEAKERS: None.

ITEMS (17A) & (17B) SHALL BE HEARD TOGETHER:

(17A) **APPEAL NO. 05-084**

NANCY DAVIS & DONNA HITCHENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

(17B) **APPEAL NO. 05-085**

MARK & JOANNE MADSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Saunders absent) to continue the matter to August 10, 2005, with the public hearing closed, and with the permit holder to submit revised plans pursuant to the Board's comments.

SPEAKERS: G. Scott Emblidge, attorney for appellants Davis and Hitchens; Mark Madsen, co-appellant; John Sanger, attorney for permit holder; James Heron, architect for permit holder; Bill Snyder, for appellants; Tony Tamburello, for appellants; Peter Berg, for appellants; Joanne Madsen, co-appellant; Lawrence Badiner, ZA.

There being no further business, President Sugaya adjourned the meeting at 9:15 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

City and County of San Francisco
Board of Appeals

PUBLIC NOTICE

The Board of Appeals has not scheduied a meeting for August 3rd, 2005. The next regular meeting is scheduled for **Wednesday, August 10th, 2005, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

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FOR THE BOARD OF APPEALS

Robert H. Feldman

Robert H. Feldman
Executive Secretary

Date Posted: **July 28th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 10, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) REHEARING REQUEST:

Subject property at 2350 Turk Street. Letter from Stephen Ledoux, attorney for Sprint PCS, appellant(s), requesting rehearing of Appeal No(s). 05-035, Sprint PCS vs. ZA, decided April 20, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the Zoning Administrator's Permit Suspension Request. Reason(s) for suspension: Building Permit Application No(s). 2004/01/30/5271 was approved in error by the Planning Department without the required review or public hearing.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1166 Haight Street #11. Permit issued on June 21, 2005. Last day to appeal was July 6, 2006. Jurisdiction request received July 22, 2005. Letter from Olivia Platford, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/21/5631. Permit Holder(s): Dennis McCarthy. Project: on multi-unit apt. building, remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 901 Bush Street. Permit issued on June 3, 2005. Last day to appeal was June 20, 2005. Jurisdiction request received July 6, 2005. Letter from Daisy MacArthur & Charles Rathbone, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/03/4112. Permit Holder(s): Lantana Ltd. Project: correct City records to establish use as 38 dwelling units.

(4) APPEAL NO. 04-112

PATRICK STOREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	674 – 5th Avenue. Protesting the issuance on August 9, 2004, to Lan Wong, Permit to Alter a Building (on single-family house: new emergency walkway (new deck) at the rear of the cottage on top of existing roof deck; comply with NOV No(s). 200449859; separate permit required for Nov No(s). 200451719; no work on front building). APPLICATION NO. 2004/06/02/5354. PUBLIC HEARING HELD & CLOSED ON NOV. 17, 2004. FOR FURTHER CONSIDERATION TODAY. **Note: On Nov. 17, 2004, the Board continued this case to Call of Chair so the permit holder could meet with DBI to resolve the other code violations on the subject property. And on July 27, 2005, the Board continued this case to Aug. 10, 2005 in order for DBI to conduct another site visit.**

(5) APPEAL NO. 04-155

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. PUBLIC HEARING HELD & CLOSED ON APRIL 13, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: On April 13, 2005, the Board continued this case to July 13, 2005 to allow the appellant time to find another location for their business. Then due to the cancellation of the July 13, 2005 meeting, the case was continued to July 20, 2005. On July 20, 2005, the appellant's attorney submitted a written continuance request, and the Board granted another continuance to Aug. 10, 2005.**

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 05-084**

NANCY DAVIS & DONNA HITCHENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. PUBLIC HEARING HELD & CLOSED ON JULY 27, 2005. FOR FURTHER CONSIDERATION TODAY.

(6B) **APPEAL NO. 05-085**

MARK & JOANNE MADSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. PUBLIC HEARING HELD & CLOSED ON JULY 27, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: On July 27, 2005, the Board continued both cases to Aug. 10, 2005 to allow time for the permit holder to submit revised plans pursuant to the Board's comments.**

(7) **APPEAL NO. 05-092**

ROLF KAISER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	758 Haight Street. Appealing a determination dated May 18, 2005, addressed to Vincent Labiano Abello, concerning the replacement of an existing legal, non-complying parking screen at the subject property. PUBLIC HEARING HELD & CLOSED ON JULY 27, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: On July 27, 2005, the Board continued this case to Aug. 10, 2005 to allow time for the ZA to further research the front setbacks of the adjacent properties.**

(8) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(8A) APPEAL NO. 05-105

LARRY SHAMIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	593 – 42nd Avenue. Appealing the imposition of penalty on June 16, 2005, for work done without a permit (on single-family house: removing of exterior stair; changing ground floor storage to ground floor entry; additional kitchen area of 35sf; relocation of existing door at main entrance porch; vinyl windows and door at main entrance porch; replacement of garage door). APPLICATION NO. 2003/05/13/4509. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 04-103

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Demolish a Building (2-story single family house with 1,235sf of ground floor area). APPLICATION NO. 2002/11/22/2107. FOR HEARING TODAY.

(9B) APPEAL NO. 04-104

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Erect a Building (3-story single family house with 1,089sf of ground floor area). APPLICATION NO. 2002/11/22/2105S. FOR HEARING TODAY.

(10) APPEAL NO. 05-068

DON PUTNAM & SUSANN KELLISON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	212 Union Street. Appealing a Permit Suspension Request dated April 14, 2005, addressed to Acting Director Jim Hutchinson of the Dept. of Building Inspection, asking that all active building permits at the subject property be suspended. Reason(s) for suspension: Planning Department staff believes that work has taken place which exceeds the scope of the active building permits. FOR HEARING TODAY.

(11) APPEAL NO. 05-075

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Baker Street. Protesting the issuance on April 12, 2005, to Hassan Kangarloo, Permit to Alter a Building (on 13-unit residential/tourist hotel: change of occupancy class only, to single-family dwelling; no construction to take place on property; all drawings are shown "as-built"; building has full sprinkler suppression system). APPLICATION NO. 2005/04/12/9782. FOR HEARING TODAY.

(12) APPEAL NO. 05-082

TIBOR VOZAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	643 Greenwich Street. Protesting the issuance on April 21, 2005, to Kara Parsons, Site Permit to Alter a Building (on single-family house: add two stories on top of existing two-story building). APPLICATION NO. 2002/11/27/2429S. FOR HEARING TODAY.

(13) APPEAL NO. 05-099

KIRBY SACK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	168 Henry Street. Protesting the issuance on May 25, 2005, to Jared Vermeil, Permit to Alter a Building (on two-unit residential building: replace existing windows with doors; add deck/rail on existing roof). APPLICATION NO. 2005/05/25/3427. FOR HEARING TODAY.

(14) **APPEAL NO. 05-100**

STEVE WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	520 Columbus Avenue. Appealing the denial on June 8, 2005, of Permit to Alter a Building (submission for Section 312 neighborhood notification / change of use and formula retail review; there will be no alterations under this permit; all tenant improvements and ADA compliance will be submitted under a future permit upon approval of this submittal). APPLICATION NO. 2005/01/07/2758. FOR HEARING TODAY.

(15) **APPEAL NO. 05-101**

HOWARD SCHINDLER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1074-1078 Francisco Street. Appealing a determination dated May 26, 2005, addressed to Howard Schindler and Marcella Cluff, that variance decision no. 2002.0193V is void due to failure to implement within 3 years, and that the project must either be modified so as to not require a variance, or that a new variance application be filed which limits the expansion of the non-conforming units to minimal exterior deck areas. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 4th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
SABRINA N. SAUNDERS	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 10, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Katharine Albright, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) REHEARING REQUEST:

Subject property at 2350 Turk Street. Letter from Stephen Ledoux, attorney for Sprint PCS, appellant(s), requesting rehearing of Appeal No(s). 05-035, Sprint PCS vs. ZA, decided April 20, 2005. At that time, upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Saunders absent) to uphold the Zoning Administrator's Permit Suspension Request. Reason(s) for suspension: Building Permit Application No(s). 2004/01/30/5271 was approved in error by the Planning Department without the required review or public hearing.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Fung dissented) to deny the rehearing request.

SPEAKERS: Stephen Ledoux, attorney for appellant; Lawrence Badiner, ZA.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1166 Haight Street #11. Permit issued on June 21, 2005. Last day to appeal was July 6, 2006. Jurisdiction request received July 22, 2005. Letter from Olivia Platford, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/21/5631. Permit Holder(s): Dennis McCarthy. Project: on multi-unit apt. building, remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the jurisdiction request, and to schedule the appeal for August 17, 2005, and for Frick Deay's jurisdiction request to be rescheduled to August 17, 2005.

SPEAKERS: Olivia Platford, requestor; Elva Harding, attorney for permit holder; Frick Deay, for requestor.

(3C) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 901 Bush Street. Permit issued on June 3, 2005. Last day to appeal was June 20, 2005. Jurisdiction request received July 6, 2005. Letter from Daisy MacArthur & Charles Rathbone, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/03/4112. Permit Holder(s): Lantana Ltd. Project: correct City records to establish use as 38 dwelling units.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0 to recuse President Sugaya. Afterwards, upon motion by Commissioner Garcia, the Board voted 3-1-1 (Commissioner Knox dissented, President Sugaya recused) to deny the jurisdiction request.

SPEAKERS: Charles Rathbone, co-requestor; Matthew Brennan, attorney for permit holder; Laurence Kornfield, DBI; Henry Karnilowicz, agent for permit holder.

(4) APPEAL NO. 04-112

PATRICK STOREY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	674 – 5th Avenue. Protesting the issuance on August 9, 2004, to Lan Wong, Permit to Alter a Building (on single-family house: new emergency walkway (new deck) at the rear of the cottage on top of existing roof deck; comply with NOV No(s). 200449859; separate permit required for Nov No(s). 200451719; no work on front building). APPLICATION NO. 2004/06/02/5354. PUBLIC HEARING HELD & CLOSED ON NOV. 17, 2004. FOR FURTHER CONSIDERATION TODAY. **Note: On Nov. 17, 2004, the Board continued this case to Call of Chair so the permit holder could meet with DBI to resolve the other code violations on the subject property. And on July 27, 2005, the Board continued this case to Aug. 10, 2005 in order for DBI to conduct another site visit.**

ACTION: Upon motion by Commissioner Fung, the Board voted 5-0 to uphold the permit.

SPEAKERS: Laurence Kornfield, DBI; Ray Bernstein, for appellant.

(5) **APPEAL NO. 04-155**

ZHANG PING GAO dba "LOTUS FLOWER HEALTH CENTER", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3800 Noriega St. / 1789 – 45th Ave. Appealing a Health Permit Zoning Referral (Acupuncture, Acupressure & Massage) dated October 4, 2004, addressed to Zhang Ping Gao, that Planning Code § 710.51 prohibits the use of a second floor in an NC-1 (Neighborhood Commercial) zoning district for a medical-related business purpose, and that Planning Code § 204 only allows a massage business in an NC-1 zoning district as a secondary use on the premises, which has another primary permitted use. PUBLIC HEARING HELD & CLOSED ON APRIL 13, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: On April 13, 2005, the Board continued this case to July 13, 2005 to allow the appellant time to find another location for their business. Then due to the cancellation of the July 13, 2005 meeting, the case was continued to July 20, 2005. On July 20, 2005, the appellant's attorney submitted a written continuance request, and the Board granted another continuance to Aug. 10, 2005.**

ACTION: None. Withdrawn by appellant.

SPEAKERS: None.

__ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER__:

(6A) **APPEAL NO. 05-084**

NANCY DAVIS & DONNA HITCHENS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. PUBLIC HEARING HELD & CLOSED ON JULY 27, 2005. FOR FURTHER CONSIDERATION TODAY.

(6B) **APPEAL NO. 05-085**

MARK & JOANNE MADSEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	464 – 30th Street. Protesting the issuance on April 26, 2005, to Janet McGee, Site Permit to Alter a Building (on single-family house: add 3rd floor; extend 1st, 2nd, and 3rd floors; add two bay windows at front). APPLICATION NO. 2004/03/10/8295S. PUBLIC HEARING HELD & CLOSED ON JULY 27, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: On July 27, 2005, the Board continued both cases to Aug. 10, 2005 to allow time for the permit holder to submit revised plans pursuant to the Board's comments.**

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the permit with revised plans, and with a finding that the revised plans meet the Residential Design Guidelines.

SPEAKERS: John Sanger, attorney for permit holder; Scott Emblidge, attorney for appellants.

(7) **APPEAL NO. 05-092**

ROLF KAISER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	758 Haight Street. Appealing a determination dated May 18, 2005, addressed to Vincent Labiano Abello, concerning the replacement of an existing legal, non-complying parking screen at the subject property. PUBLIC HEARING HELD & CLOSED ON JULY 27, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: On July 27, 2005, the Board continued this case to Aug. 10, 2005 to allow time for the ZA to further research the front setbacks of the adjacent properties.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3-2 (President Sugaya and Commissioner Albright dissented) to overrule the determination with a finding that the existing non-conforming structure is in need of renovation, and that the project is reasonable response to this situation. 4 votes being required to overrule a departmental action, the ZA determination was upheld.

SPEAKERS: Lawrence Badiner, ZA; Rolf Kaiser, appellant.

(8) CONSENT ITEMS (DBI PENALTY):

With the consent of the Dept. of Building Inspection, the Board will proceed to a vote without testimony to reduce the penalty (investigation fee) to two times the regular fee as provided for in the Building Code. Without consent the Board will take testimony and then decide the appeal.

(8A) APPEAL NO. 05-105

LARRY SHAMIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	593 – 42nd Avenue. Appealing the imposition of penalty on June 16, 2005, for work done without a permit (on single-family house: removing of exterior stair; changing ground floor storage to ground floor entry; additional kitchen area of 35sf; relocation of existing door at main entrance porch; vinyl windows and door at main entrance porch; replacement of garage door). APPLICATION NO. 2003/05/13/4509. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reduce the penalty to five (5) times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Vad Shamis, son of appellant.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 04-103

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Demolish a Building (2-story single family house with 1,235sf of ground floor area). APPLICATION NO. 2002/11/22/2107. FOR HEARING TODAY.

(9B) APPEAL NO. 04-104

SHING KIT LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A	120 Maynard Street. Appealing the denial on August 3, 2004, of Permit to Erect a Building (3-story single family house with 1,089sf of ground floor area). APPLICATION NO. 2002/11/22/2105S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Knox dissented) to overrule the denial of the demolition permit, and overrule the denial of the site permit with conditions as recommended by the Planning Commission, with an additional condition that Planning staff take into consideration the effect of the project on the trees on neighboring properties, and on condition that the subject property be properly maintained at least once per month up until the start of construction, with findings to be adopted at a later date.

SPEAKERS: Lawrence Badiner, ZA; Pat Buscovich, agent for appellant; Jeremy Paul, agent for appellant; Douglas Cawley, Camela Curry and F. Joseph Butler, for Planning Commission.

(10) **APPEAL NO. 05-068**

DON PUTNAM & SUSANN KELLISON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	212 Union Street. Appealing a Permit Suspension Request dated April 14, 2005, addressed to Acting Director Jim Hutchinson of the Dept. of Building Inspection, asking that all active building permits at the subject property be suspended. Reason(s) for suspension: Planning Department staff believes that work has taken place which exceeds the scope of the active building permits. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 2-3 (President Sugaya, Commissioners Knox and Albright dissented) to overrule the Permit Suspension Request, reinstate the permit, on condition that the siding be replaced with like materials, and with a finding that a demolition has not taken place. Motion failed, and the Permit Suspension Request was upheld.

SPEAKERS: Lawrence Badiner, ZA; Jeremy Paul, agent for appellants; Robert Mittelstadt, Cate Kellison, Norman LaBoe, John Weeden, David Davies, Rod Freebairn-Smith, and Janet Crane, for appellants; Katherine Petrin, F. Joseph Butler, and Nan Roth, for ZA.

(11) **APPEAL NO. 05-075**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Baker Street. Protesting the issuance on April 12, 2005, to Hassan Kangarloo, Permit to Alter a Building (on 13-unit residential/tourist hotel: change of occupancy class only, to single-family dwelling; no construction to take place on property; all drawings are shown "as-built"; building has full sprinkler suppression system). APPLICATION NO. 2005/04/12/9782. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to October 19, 2005 at the written request of the parties.

SPEAKERS: None.

(12) **APPEAL NO. 05-082**

TIBOR VOZAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	643 Greenwich Street. Protesting the issuance on April 21, 2005, to Kara Parsons, Site Permit to Alter a Building (on single-family house: add two stories on top of existing two-story building). APPLICATION NO. 2002/11/27/2429S. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Fung recused) to uphold the permit.

SPEAKERS: Brett Gladstone, attorney for permit holder; appellant did not appear.

(13) **APPEAL NO. 05-099**

KIRBY SACK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	168 Henry Street. Protesting the issuance on May 25, 2005, to Jared Vermeil, Permit to Alter a Building (on two-unit residential building: replace existing windows with doors; add deck/rail on existing roof). APPLICATION NO. 2005/05/25/3427. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-2 (Commissioners Garcia and Albright dissented) to revoke the permit. 4 votes being required to overturn a departmental action, the permit was upheld.

SPEAKERS: Kirby Sack, appellant; Jared Vermeil, permit holder; Lawrence Badiner, ZA.

(14) **APPEAL NO. 05-100**

STEVE WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	520 Columbus Avenue. Appealing the denial on June 8, 2005, of Permit to Alter a Building (submission for Section 312 neighborhood notification / change of use and formula retail review; there will be no alterations under this permit; all tenant improvements and ADA compliance will be submitted under a future permit upon approval of this submittal). APPLICATION NO. 2005/01/07/2758. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(15) **APPEAL NO. 05-101**

HOWARD SCHINDLER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1074-1078 Francisco Street. Appealing a determination dated May 26, 2005, addressed to Howard Schindler and Marcella Cluff, that variance decision no. 2002.0193V is void due to failure to implement within 3 years, and that the project must either be modified so as to not require a variance, or that a new variance application be filed which limits the expansion of the non-conforming units to minimal exterior deck areas. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Fung dissented) to overrule the determination with a finding that the appellant was not completely informed of the requirements, and had a reasonable expectation that a permit could be issued on that last day of the 3-year variance implementation period.

SPEAKERS: Lawrence Badiner, ZA; Howard Schindler, appellant; Arnie Lerner, agent for appellant.

There being no further business, President Sugaya adjourned the meeting at 10:12 p.m.

Robert H. Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 17, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1166 Haight Street #12. Permit issued on June 21, 2005. Last day to appeal was July 6, 2006. Jurisdiction request received August 4, 2005. Letter from Frick Deay, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/21/5635. Permit Holder(s): Dennis McCarthy. Project: on multi-unit apt. building, remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath. **Note: if this jurisdiction request is granted, the Board can then hear and decide Appeal No. 05-140, Deay vs. DBI, which is Item 4F.**

ITEMS (4A), (4B), (4C), (4D), (4E) & (4F) SHALL BE HEARD TOGETHER:

(4A) APPEAL NO. 05-115

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(4B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(4C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(4D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.

(4E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(4F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

(5) **APPEAL NO. 05-108**

DEL-CAMP INVESTMENTS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	578-592 Jersey Street. Appealing the revocation on November 16, 2004, of Building Permit Application No. 2004/01/27/4922. Reason(s) for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building. JURISDICTION GRANTED JUNE 8, 2005. FOR HEARING TODAY.

(6) **APPEAL NO. 05-109**

SCOTT TICER & ILANA KOTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1-3 Vicksburg Street. Protesting the issuance on June 8, 2005, to Beitran Family Trust, Permit to Alter a Building (on 4-unit building: replace 3-story rear egress stair). APPLICATION NO. 2005/06/08/4522. FOR HEARING TODAY.

(7) **APPEAL NO. 05-110**

DAVID CLARK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (MANDATORY DR)	4967-4969 – 17th Street. Appealing the denial on June 21, 2005, of Site Permit to Alter a Building (merge two-units to single-family dwelling; remodel two floors throughout; existing "Ellis Act" property). APPLICATION NO. 2004/11/03/8481S. FOR HEARING TODAY.

(8) **APPEAL NO. 05-111**

KEVIN REED, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3412 – 22nd Street aka 994 Guerrero Street. Appealing the suspension on June 10, 2005, of Building Permit Application No. 2004/08/26/2632. Reason(s) for suspension: the Planning Department believes that the current use (social service retail / medical cannabis) creates conditions that are hazardous and noxious or offensive, in violation of Planning Code § 202(c). FOR HEARING TODAY.

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Date posted: **August 11th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 17, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Katharine Albright.

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(1) PUBLIC COMMENT:

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SPEAKERS: Sonjia Miles.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1166 Haight Street #12. Permit issued on June 21, 2005. Last day to appeal was July 6, 2006. Jurisdiction request received August 4, 2005. Letter from Frick Deay, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/21/5635. Permit Holder(s): Dennis McCarthy. Project: on multi-unit apt. building, remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath. **Note: if this jurisdiction request is granted, the Board can then hear and decide Appeal No. 05-140, Deay vs. DBI, which is Item 4F.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to grant the jurisdiction request.

SPEAKERS: None.

ITEMS (4A), (4B), (4C), (4D), (4E) & (4F) SHALL BE HEARD TOGETHER:

(4A) **APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(4B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(4C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(4D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.

(4E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(4F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Albright absent) to reschedule the matters to October 19, 2005 at the written request of the parties.

SPEAKERS: None.

(5) **APPEAL NO. 05-108**

DEL-CAMP INVESTMENTS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	578-592 Jersey Street. Appealing the revocation on November 16, 2004, of Building Permit Application No. 2004/01/27/4922. Reason(s) for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building. JURISDICTION GRANTED JUNE 8, 2005. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Albright absent) to reschedule the matter to October 5, 2005 at the written request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 05-109**

SCOTT TICER & ILANA KOTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1-3 Vicksburg Street. Protesting the issuance on June 8, 2005, to Beitran Family Trust, Permit to Alter a Building (on 4-unit building: replace 3-story rear egress stair). APPLICATION NO. 2005/06/08/4522. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Albright absent) to continue the matter to Sept. 21, 2005 to allow time for DBI to consult with the Fire Department concerning the firewall issue, and with the public hearing closed.

SPEAKERS: Peter Lowe, agent for appellants; Gordon Atkinson, architect for permit holder; Laurence Kornfield, DBI; David Crawford, co-owner of subject property.

(7) **APPEAL NO. 05-110**

DAVID CLARK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: N/A (MANDATORY DR)	4967-4969 – 17th Street. Appealing the denial on June 21, 2005, of Site Permit to Alter a Building (merge two-units to single-family dwelling; remodel two floors throughout; existing “Ellis Act” property). APPLICATION NO. 2004/11/03/8481S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Albright absent) to continue the matter to Sept. 7, 2005, with the public hearing closed.

SPEAKERS: Jonas Ionin, PD; Brett Gladstone, attorney for appellant; Sona Clark, wife of appellant; Bernard Tom, for appellant.

(8) **APPEAL NO. 05-111**

KEVIN REED, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3412 – 22nd Street aka 994 Guerrero Street. Appealing the suspension on June 10, 2005, of Building Permit Application No. 2004/08/26/2632. Reason(s) for suspension: the Planning Department believes that the current use (social service retail / medical cannabis) creates conditions that are hazardous and noxious or offensive, in violation of Planning Code § 202(c). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to reschedule the matter to September 21, 2005.

SPEAKERS: Jonas Ionin, PD; Joe Elford, attorney for appellant; Veronica Gaynor, for DBI.

There being no further business, President Sugaya adjourned the meeting at 6:50 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 24, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

/05

(2) **COMMISSIONERS COMMENTS & QUESTIONS.**

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(3) **ADDENDUM ITEMS:** None.

(4) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER'S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet in height on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

(5) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

ITEMS 6(A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 05-081**

LAURENCE BERG, SANDRA STRINGER, MAURISA THIGPEN, & JOERG WESTERMANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2889 – 24th Street. Protesting the issuance on April 22, 2005, to Mike Boschetto, Permit to Demolish a Building (single-story pool hall / restaurant with 3,233sf of ground floor area). APPLICATION NO. 2003/03/25/0620. FOR HEARING TODAY.

(6B) **APPEAL NO. 05-121**

LAURENCE BERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2889 – 24th Street. Protesting the issuance on April 22, 2005, to Mike Boschetto, Site Permit to Erect a Building (4-story, 8-unit retail/apartment building with 4,942sf of ground floor area). APPLICATION NO. 2003/03/25/0625S. JURISDICTION GRANTED 06/29/2005. FOR HEARING TODAY.

(7) **APPEAL NO. 05-120**

HONORWAY INVESTMENT CORPPORATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	388 Market Street. Appealing a Notice of Violation dated June 27, 2005, that the closure of the lobby to the general public violates the building's Conditional Use (Cu) Authorization (Case No. 1981.195C), and also violates § 126 of the Planning Code. FOR HEARING TODAY.

(8) **APPEAL NO. 05-122**

PAUL CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	2615-2623 Pacific Avenue. Appealing the denial on July 14, 2005, of Permit to Alter a Building (convert existing 5-unit apartment building into a single-family house; remove existing rear stair and roof; add new stair, elevator and roof; re-arrange existing units, size and location; excavate existing basement; alter existing elevation; sprinklers under separate permit). APPLICATION NO. 2003/06/22/7590. FOR HEARING TODAY.

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Date posted: **August 18th, 2005**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 24, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Katharine Albright.

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SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS.**

SPEAKERS: None.

(3) **ADDENDUM ITEMS**: None.

(4) **APPEAL NO. 04-019**

OCEAN PARC VILLAGE HOMEOWNER'S ASSOCATION, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	730 Great Highway. Protesting the issuance on March 8, 2004, to Tom and Breda MacDonald & KTH LLC, Coastal Zone Permit Authorization (proposal is to construct a new 3-story, 4-unit building approximately 32 feet in height on a vacant lot). CASE NO. 2003.1009P. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Albright absent) to reschedule the matter to Dec. 7, 2005 at the written request of the parties.

SPEAKERS: None.

(5) **APPEAL NO. 04-116**

JOHN BRENNAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1420 Haight Street. Appealing a determination dated August 17, 2004, addressed to Matthew Brennan (Subject Property Owner Mehran Ismaili), that the notification and hearing for Conditional Use (CU) Motion No. 16593, which adds 2,300sf of retail space to the existing 3,300sf shoe store at the subject property, was properly performed, and thus it is not necessary to halt construction as authorized under CU Motion. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (President Sugaya dissented, Commissioner Albright absent) to uphold the determination.

SPEAKERS: Jonas Ionin, PD; Mark Brennan, attorney for appellant; John Brennan, attorney for appellant; David Levy, attorney for subject property owner; Michael Ghadieh, Charles Canepa, Ted Loewenberg, Michael O'Connor, Fred Kazzouh, and John Exworthy, for subject property owner; Joe O'Donogue and Andrew Smith, for appellant.

ITEMS 6(A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 05-081**

LAURENCE BERG, SANDRA STRINGER, MAURISA THIGPEN, & JOERG WESTERMANN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2889 – 24th Street. Protesting the issuance on April 22, 2005, to Mike Boschetto, Permit to Demolish a Building (single-story pool hall / restaurant with 3,233sf of ground floor area). APPLICATION NO. 2003/03/25/0620. FOR HEARING TODAY.

(6B) **APPEAL NO. 05-121**

LAURENCE BERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2889 – 24th Street. Protesting the issuance on April 22, 2005, to Mike Boschetto, Site Permit to Erect a Building (4-story, 8-unit retail/apartment building with 4,942sf of ground floor area). APPLICATION NO. 2003/03/25/0625S. JURISDICTION GRANTED 06/29/2005. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the demolition permit, and uphold the site permit with revised plans dated August 24, 2005.

SPEAKERS: Laurence Berg, co-appellant; Brett Gladstone, attorney for permit holder; Joerg Westermann, co-appellant; Greg Bergere, agent for permit holder.

(7) **APPEAL NO. 05-120**

HONORWAY INVESTMENT CORPPORATION, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	388 Market Street. Appealing a Notice of Violation dated June 27, 2005, that the closure of the lobby to the general public violates the building's Conditional Use (Cu) Authorization (Case No. 1981.195C), and also violates § 126 of the Planning Code. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Albright absent) to uphold the Notice of Violation.

SPEAKERS: Jonas Ionin, PD; Peter Kwok, agent for appellant; Jacqueline Robinson, agent for appellant; Eric Oloya, agent for appellant.

(8) **APPEAL NO. 05-122**

PAUL CHOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	2615-2623 Pacific Avenue. Appealing the denial on July 14, 2005, of Permit to Alter a Building (convert existing 5-unit apartment building into a single-family house; remove existing rear stair and roof; add new stair, elevator and roof; re-arrange existing units, size and location; excavate existing basement; alter existing elevation; sprinklers under separate permit). APPLICATION NO. 2003/06/22/7590. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 2-2-1 (Commissioners Fung and Garcia dissented, Commissioner Albright absent) to uphold the denial. 4 votes being required to overturn a departmental action, the denial was upheld.

SPEAKERS: Jonas Ionin, PD; David Silverman, attorney for appellant; Andrew Zacks, for appellant; Alice Piccus, Judith Duffy, Ian Berke, Greg Scott, and Courtney Clarkson, for Planning Commission.

There being no further business, President Sugaya adjourned the meeting at 8:40 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 7, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) **ELECTION OF VICE PRESIDENT.**

(3) **COMMISSIONERS COMMENTS & QUESTIONS.**

(4) **ADDENDUM ITEMS:**

(4A) **REHEARING REQUEST:**

Subject property at 1301 – 18th Street. Letter from Marwon Halteh, agent for Elias Han Han, appellant, requesting rehearing of Appeal No(s). 05-091, Han Han dba "New Potrero Market vs. DPH", decided July 27, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the Dept. of Public Health's 45-day suspension, and instead impose a 10-day suspension.

(4B) **ADOPTION OF FINDINGS:**

Subject property at 120 Maynard Street. Appeal No(s). 04-103/104, Lee vs. DBI, PCD, decided August 10th, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Knox dissented) to overrule the denial of the demolition permit, and to overrule the denial of the site permit with adoption of conditions as recommended by the Planning Commission, and with the following additional condition(s): a) that Planning Department staff consider the project's effect on trees that are located on neighboring properties; and b) that the subject property be maintained and cleaned at least once per month up until the start of construction, and with findings to be adopted at a later date.

(5) **APPEAL NO. 05-110**

DAVID CLARK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	4967-4969 – 17th Street. Appealing the denial on June 21, 2005, of Site Permit to Alter a Building (merge two-units into single-family dwelling; remodel two floors throughout; existing "Ellis Act" property). APPLICATION NO. 2004/11/03/8481S. PUBLIC HEARING HELD & CLOSED ON AUGUST 17, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued from Aug. 17, 2005 to allow Commissioner Albright to participate in the final vote.**

(6) **APPEAL NO. 05-125**

PEI YUN SHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	687 – 3rd Avenue. Appealing the imposition of penalty on July 19, 2005, for work done without a permit (on 3-unit residential building: remove illegal bathroom, family room, bedroom, and study room; existing shear wall, load bearing wall, and exterior wall to remain; in response to NOV no. 200560673). APPLICATION NO. 2005/07/08/7093. FOR HEARING TODAY.

(7) **APPEAL NO. 05-083**

VERIZON WIRELESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Various locations. Appealing the denial on April 25, 2005, of a Utility Conditions Permit. FOR HEARING TODAY.

(8) **APPEAL NO. 05-127**

SOON JA KU dba "STORE ON THE CORNER" , Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	121 New Montgomery Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 03-05-274. FOR HEARING TODAY.

(9) **APPEAL NO. 05-128**

JAMES WITHRINGTON dba "GO CAR RENTALS", Appellant(s) vs. POLICE DEPARTMENT, Respondent	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). FOR HEARING TODAY.

(10) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for suspension: the Planning Dept. believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's policies. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

(11) **APPEAL NO. 05-113**

WIENIK BLEYENBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: MICHAEL & ELLEN McGARVEY	455 Pennsylvania Avenue. Appealing the denial on June 21, 2005, of Site Permit to Alter a Building (on single-family house: build additional floor and penthouse resulting in 2-unit building; add deck, stair and siding). APPLICATION NO. 2004/05/12/3718S. FOR HEARING TODAY.

(12) **APPEAL NO. 05-114**

JACQUELINE & JOHN McMAHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2506 Union Street. Protesting the issuance on June 17, 2005, to Mark & Susan Sherman, Site Permit to Alter a Building (on single-family house: remove non-conforming enclosed garage structure in front yard required setback; renovation of house to include a horizontal addition at rear of building; renovation to provide two means of egress from third floor and removal of exterior fire escape balcony and ladders at front of house). APPLICATION NO. 2004/07/15/8925S. FOR HEARING TODAY.

(13) **APPEAL NO. 05-124**

JEFFREY HOROWITZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1170 Green Street. Appealing the suspension on July 8, 2005, of Building Permit Application No. 9925728S. Reason(s) for suspension: the plans submitted contain discrepancies between the architectural and structural sheets and site conditions. FOR HEARING TODAY. **Note: On Nov. 10, 2004, in Appeal 04-070, the Board upheld this permit on condition that the skylight not exceed 3 feet in height as measured from the finished elevation of the ceiling.**

(14) **APPEAL NO. 05-126**

FRED & SANDRA HERRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	763 University Street. Appealing the denial on July 21, 2005, of Permit to Alter a Building (on single-family house: add additional floor). APPLICATION NO. 2003/05/13/4418. FOR HEARING TODAY.

(15) **APPEAL NO. V05-129**

ARZA TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2642-2644 Hyde Street. Protesting the granting on July 13, 2005, to Billie Cayot, Rear Yard & Non-Complying Structure Variances (replace an existing 2nd floor balcony within the required rear yard of the existing two-family structure; the cantilevered balcony would be approximately 12 feet wide, 3 feet deep, and set back approximately 5 feet from each side property line). VARIANCE CASE NO. 2004.1312V. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 25th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 7, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Katharine Albright, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) ELECTION OF VICE PRESIDENT.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to elect Commissioner Fung Vice President.

SPEAKERS: None.

(3) COMMISSIONERS COMMENTS & QUESTIONS.

SPEAKERS: None.

(4) ADDENDUM ITEMS:

(4A) REHEARING REQUEST:

Subject property at 1301 – 18th Street. Letter from Marwon Halteh, agent for Elias Han Han, appellant, requesting rehearing of Appeal No(s). 05-091, Han Han dba "New Potrero Market vs. DPH", decided July 27, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the Dept. of Public Health's 45-day suspension, and instead impose a 10-day suspension.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to reschedule the matter to October 5, 2005.

SPEAKERS: Isam Hanhan, attorney for appellant.

(4B) ADOPTION OF FINDINGS:

Subject property at 120 Maynard Street. Appeal No(s). 04-103/104, Lee vs. DBI, PCD, decided August 10th, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Knox dissented) to overrule the denial of the demolition permit, and to overrule the denial of the site permit with adoption of conditions as recommended by the Planning Commission, and with the following additional condition(s): a) that Planning Department staff consider the project's effect on trees that are located on neighboring properties; and b) that the subject property be maintained and cleaned at least once per month up until the start of construction, and with findings to be adopted at a later date.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to adopt the findings as amended.

SPEAKERS: Jeremy Paul, agent for appellant.

(5) APPEAL NO. 05-110

DAVID CLARK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	4967-4969 – 17th Street. Appealing the denial on June 21, 2005, of Site Permit to Alter a Building (merge two-units into single-family dwelling; remodel two floors throughout; existing "Ellis Act" property). APPLICATION NO. 2004/11/03/8481S. PUBLIC HEARING HELD & CLOSED ON AUGUST 17, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued from Aug. 17, 2005 to allow Commissioner Albright to participate in the final vote.**

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to overrule the denial, and grant the permit with findings to be adopted at a later date.

SPEAKERS: David Clark, appellant; Brett Gladstone, attorney for appellant; Jonas Ionin, PD; Laurence Kornfield, DBI.

(6) APPEAL NO. 05-125

PEI YUN SHEN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	687 – 3rd Avenue. Appealing the imposition of penalty on July 19, 2005, for work done without a permit (on 3-unit residential building: remove illegal bathroom, family room, bedroom, and study room; existing shear wall, load bearing wall, and exterior wall to remain; in response to NOV no. 200560673). APPLICATION NO. 2005/07/08/7093. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Knox absent) to reduce the penalty to 2 times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Pei Yun Shen, appellant.

(7) APPEAL NO. 05-083

VERIZON WIRELESS, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	Various locations. Appealing the denial on April 25, 2005, of a Utility Conditions Permit. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the denial.

SPEAKERS: Cynthia Chono, DPW BSM; William Sanders, OCA; Paul Albritton, attorney for appellant; James Heard, attorney for appellant.

(8) **APPEAL NO. 05-127**

SOON JA KU dba “STORE ON THE CORNER” , Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	121 New Montgomery Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR’S CASE NO. 03-05-274. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Knox absent) to overrule DPH and instead impose a 5-day suspension.

SPEAKERS: Andrew Jin, DPH; John Ku, agent for appellant.

(9) **APPEAL NO. 05-128**

JAMES WITHRINGTON dba “GO CAR RENTALS”, Appellant(s) vs. POLICE DEPARTMENT, Respondent	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to Nov. 2, 2005 at the written request of the parties.

SPEAKERS: None.

(10) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for suspension: the Planning Dept. believes the owners have pursued a “serial permitting” strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission’s policies. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to Nov. 9, 2005 at the written request of the parties.

SPEAKERS: None.

(11) **APPEAL NO. 05-113**

WIENIK BLEYENBERG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: MICHAEL & ELLEN McGARVEY	455 Pennsylvania Avenue. Appealing the denial on June 21, 2005, of Site Permit to Alter a Building (on single-family house: build additional floor and penthouse resulting in 2-unit building; add deck, stair and siding). APPLICATION NO. 2004/05/12/3718S. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the permit with adoption of the Planning Commission's DR conditions, and on condition that the appellant be allowed to take advantage of the Planning Code § 136 rear yard extension provisions.

SPEAKERS: Jonas Ionin, PD; Wienik Bleyenberg, appellant; Ahmad Larizadeh, agent for appellant; Scott Emblidge, attorney for Sec. 14 Parties; Paul Kleyman, agent for Sec. 14 Parties; Matt Cheney and Laura Spiegelman, for Planning Commission; Raymond Leon, for appellant; Laurence Kornfield, DBI.

(12) **APPEAL NO. 05-114**

JACQUELINE & JOHN McMAHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2506 Union Street. Protesting the issuance on June 17, 2005, to Mark & Susan Sherman, Site Permit to Alter a Building (on single-family house: remove non-conforming enclosed garage structure in front yard required setback; renovation of house to include a horizontal addition at rear of building; renovation to provide two means of egress from third floor and removal of exterior fire escape balcony and ladders at front of house). APPLICATION NO. 2004/07/15/8925S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0 to recuse President Sugaya. Afterwards, upon motion by Commissioner Garcia, the Board voted 4-0-1 (President Sugaya recused) to uphold the permit.

SPEAKERS: Jeremy Paul, agent for appellants; Alice Barkley, attorney for permit holder; Jackie McMahan, co-appellant; Pat Buscovich, agent for appellants; Joan Fitzgibbon, for appellants; Jonas Ionin, PD.

(13) **APPEAL NO. 05-124**

JEFFREY HOROWITZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1170 Green Street. Appealing the suspension on July 8, 2005, of Building Permit Application No. 9925728S. Reason(s) for suspension: the plans submitted contain discrepancies between the architectural and structural sheets and site conditions. FOR HEARING TODAY. **Note: On Nov. 10, 2004, in Appeal 04-070, the Board upheld this permit on condition that the skylight not exceed 3 feet in height as measured from the finished elevation of the ceiling.**

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Knox absent) to overrule DBI's suspension with the following findings: that a separate alteration permit is not required under Building Code § 106.4.7, that there is a 40 foot height limit, and that any revisions required to meet the 40 foot height limit be executed via revised plans under this subject permit.

SPEAKERS: Carla Johnson, DBI; Andrew Zacks, attorney for appellant; Pat Buscovich, agent for appellant; Mona Horowitz, wife of appellant; Mike Schwinn, Carmen Estrada, Gerard Soriano, Joanne Calabrese, Larry Holmberg, and Jeremy Paul, for appellant; Kathleen Courtney, Chris Arott, Linda Marks, Jamie Cherry, Michele Sudduth, and John Bardis, for DBI; Laurence Kornfield, DBI.

(14) **APPEAL NO. 05-126**

FRED & SANDRA HERRERA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	763 University Street. Appealing the denial on July 21, 2005, of Permit to Alter a Building (on single-family house: add additional floor). APPLICATION NO. 2003/05/13/4418. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the permit on condition that Planning staff assure that the revised plans meet the Residential Design Guidelines.

SPEAKERS: Jonas Ionin, PD; Fred and Sandra Herrera, appellants.

(15) **APPEAL NO. V05-129**

ARZA TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2642-2644 Hyde Street. Protesting the granting on July 13, 2005, to Billie Cayot, Rear Yard & Non-Complying Structure Variances (replace an existing 2nd floor balcony within the required rear yard of the existing two-family structure; the cantilevered balcony would be approximately 12 feet wide, 3 feet deep, and set back approximately 5 feet from each side property line). VARIANCE CASE NO. 2004.1312V. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to the Call of Chair pending final resolution of the Categorical Exemption appeal at the Board of Supervisors.

SPEAKERS: None.

There being no further business, President Sugaya adjourned the meeting at 9:55 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 14, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 425 – 1st Street aka 1 Rincon Hill. Planning Commission Motion adopted on August 4, 2005. Last day to appeal was August 19, 2005. Jurisdiction request received on September 2, 2005. Letter from Rene Avanessian, requestor(s), asking that the Board take jurisdiction over Planning Commission Motion No. 17077, which authorizes a determination of compliance under Planning Code § 309.1 for a proposal to construct a new residential project that would consist of approximately 709 dwelling units, up to 709 off-street parking spaces, and approximately 3,200 gross square feet of retail, and for the granting of an exception to allow greater than one parking space for every two dwelling units under Planning Code §§ 151.1(d) and 309.1(d)(8)(A). Project Sponsor(s): Rincon Ventures LLP.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, Item 4, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

(4) **APPEAL NO. V04-199**

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

(5) **APPEAL NO. 05-137**

ROBERT V. CUEVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1636-1638 Great Highway. Appealing the imposition of penalty on August 3, 2005, for work done without a permit (response to NOV no. 200558996; demolish illegal 3rd dwelling unit on ground floor; remove kitchen and bathroom and provide for permitting of storage rooms). APPLICATION NO. 2005/07/27/8735. FOR HEARING TODAY.

(6) **APPEAL NO. 05-130**

7-ELEVEN NO. 33501H, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	564 Market Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 04-05-269. FOR HEARING TODAY.

(7) **APPEAL NO. 05-131**

7-ELEVEN NO. 33434A, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	711 Market Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 03-05-269. FOR HEARING TODAY.

(8) **APPEAL NO. 05-132**

7-ELEVEN NO. 23342E, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3080 San Jose Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 05-05-268. FOR HEARING TODAY.

(9) **APPEAL NO. V04-204**

ELIZABETH FREITAS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1915 Diamond Street. Appealing the denial on December 16, 2004, of Minimum Lot Area & Rear Yard Variances (proposal is to subdivide an existing through lot of approximately 4,322sf into two separate lots). VARIANCE CASE NO. 2004.1108V. FOR HEARING TODAY.

(10) **APPEAL NO. 05-134**

SIERRA INDUSTRIES WEST LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	290 Division Street. Appealing a Notice of Violation dated July 14, 2005, addressed to Sierra Industries West LP, that B.P.A. No. 2002/10/17/9237 for a general advertising sign at the subject property was issued in error, that the sign constructed pursuant to this BPA was constructed on the roof instead of the exterior wall, that a second sign has been constructed on the roof, and that both roof signs are visible from the freeway, in violation of Planning Code §§ 175, 608.5, & 611. FOR HEARING TODAY.

(11) **APPEAL NO. 05-112**

FRANKLIN CHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: BETH LEWIS & RICHARD LOWDEN	575 – 25th Avenue. Appealing the denial on June 14, 2005, of Site Permit to Alter a Building (on single-family house: two-story horizontal addition to rear of existing building as per plan; one-story additional height to existing building as per plan). APPLICATION NO. 2003/08/26/3071S. FOR HEARING TODAY.

(12) **APPEAL NO. 05-135**

ANNA YAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	318 – 22nd Avenue. Protesting the issuance on July 20, 2005, to Yuen Hung Lam, Permit to Alter a Building (on single-family house: change existing roof to roof deck; extend existing parapet walls). APPLICATION NO. 2005/07/20/8153. FOR HEARING TODAY.

(13) **APPEAL NO. 05-136**

GUADALUPE RAMIREZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1184 Geneva Avenue. Protesting the issuance on July 21, 2005, to Flordeliza Tarifa, Permit to Alter a Building (on single-family house: removal of unlawful kitchen located at 2nd floor to comply with NOV No. 200559369; work at 2nd floor only). APPLICATION NO. 2005/07/21/8312. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 8th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
FRANK FUNG	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 14, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Katharine Albright, Commissioner Frank Fung, Commissioner Randall Knox, and Commissioner Michael Garcia.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 425 – 1st Street aka 1 Rincon Hill. Planning Commission Motion adopted on August 4, 2005. Last day to appeal was August 19, 2005. Jurisdiction request received on September 2, 2005. Letter from Rene Avanessian, requestor(s), asking that the Board take jurisdiction over Planning Commission Motion No. 17077, which authorizes a determination of compliance under Planning Code § 309.1 for a proposal to construct a new residential project that would consist of approximately 709 dwelling units, up to 709 off-street parking spaces, and approximately 3,200 gross square feet of retail, and for the granting of an exception to allow greater than one parking space for every two dwelling units under Planning Code §§ 151.1(d) and 309.1(d)(8)(A). Project Sponsor(s): Rincon Ventures LLP.

ACTION: Withdrawn by requestor.

SPEAKERS: None.

(3B) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, Item 4, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to September 21, 2005 at the written request of the parties.

SPEAKERS: None.

(4) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to September 21, 2005 at the written request of the parties.

SPEAKERS: None.

(5) APPEAL NO. 05-137

ROBERT V. CUEVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1636-1638 Great Highway. Appealing the imposition of penalty on August 3, 2005, for work done without a permit (response to NOV no. 200558996; demolish illegal 3rd dwelling unit on ground floor; remove kitchen and bathroom and provide for permitting of storage rooms). APPLICATION NO. 2005/07/27/8735. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to reschedule the matter to November 2, 2005 at the written request of the parties.

SPEAKERS: None.

(6) **APPEAL NO. 05-130**

7-ELEVEN NO. 33501H, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	564 Market Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 04-05-269. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to continue the matter to November 9, 2005, with additional documents due Thursday prior to hearing, and with the public hearing closed.

SPEAKERS: Lisa O'Malley, DPH; Jim Parinello, attorney for appellant; David Fink, agent for appellant.

(7) **APPEAL NO. 05-131**

7-ELEVEN NO. 33434A, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	711 Market Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 03-05-269. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to November 9, 2005, with additional documents due Thursday prior to hearing.

SPEAKERS: Kenny Wong, DPH; Anders Johnson, attorney for appellant.

(8) **APPEAL NO. 05-132**

7-ELEVEN NO. 23342E, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3080 San Jose Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 05-05-268. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to November 9, 2005, with additional documents due Thursday prior to hearing.

SPEAKERS: Kenny Wong, DPH; Anders Johnson, attorney for appellant.

(9) **APPEAL NO. V04-204**

ELIZABETH FREITAS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1915 Diamond Street. Appealing the denial on December 16, 2004, of Minimum Lot Area & Rear Yard Variances (proposal is to subdivide an existing through lot of approximately 4,322sf into two separate lots). VARIANCE CASE NO. 2004.1108V. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(10) **APPEAL NO. 05-134**

SIERRA INDUSTRIES WEST LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	290 Division Street. Appealing a Notice of Violation dated July 14, 2005, addressed to Sierra Industries West LP, that B.P.A. No. 2002/10/17/9237 for a general advertising sign at the subject property was issued in error, that the sign constructed pursuant to this BPA was constructed on the roof instead of the exterior wall, that a second sign has been constructed on the roof, and that both roof signs are visible from the freeway, in violation of Planning Code §§ 175, 608.5, & 611. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to reschedule the matter to November 9, 2005 at the written request of the parties.

SPEAKERS: None.

(11) **APPEAL NO. 05-112**

FRANKLIN CHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Parties: BETH LEWIS & RICHARD LOWDEN	575 – 25th Avenue. Appealing the denial on June 14, 2005, of Site Permit to Alter a Building (on single-family house: two-story horizontal addition to rear of existing building as per plan; one-story additional height to existing building as per plan). APPLICATION NO. 2003/08/26/3071S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the subject permit with revised plans and the following condition(s): a) that the full bath at basement level be changed to a ½ bath; b) that the Japanese maple trees in the back yard be retained; c) that hours of construction be limited to 8am to 6pm, Monday through Friday; and d) that the 3 foot light well be expanded to 5 feet.

SPEAKERS: Beth Lewis, Sec. 14 Party; Franklin Chan, appellant; Jonas Ionin, PD; Calvin Chan, subject property owner; Richard Lowden, Sec. 14 Party; Laurence Kornfield, DBI.

(12) **APPEAL NO. 05-135**

ANNA YAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	318 – 22nd Avenue. Protesting the issuance on July 20, 2005, to Yuen Hung Lam, Permit to Alter a Building (on single-family house: change existing roof to roof deck; extend existing parapet walls). APPLICATI ON NO. 2005/07/20/8153. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to uphold the permit on condition that the railing be open or transparent.

SPEAKERS: Anna Yan, appellant; CJ Higley, attorney for permit holder;

(13) **APPEAL NO. 05-136**

GUADALUPE RAMIREZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1184 Geneva Avenue. Protesting the issuance on July 21, 2005, to Flordeliza Tarifa, Permit to Alter a Building (on single-family house: removal of unlawful kitchen located at 2nd floor to comply with NOV No. 200559369; work at 2nd floor only). APPLICATI ON NO. 2005/07/21/8312. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4-1 (President Sugaya dissented) to uphold the permit.

SPEAKERS: Raquel Fox, attorney for appellant; Hector Chinchilla, attorney for permit holder; Jonas Ionin, PD; Laurence Kornfield, DBI.

There being no further business, President Sugaya adjourned the meeting at 8:30 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 21, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 919 Central Avenue. Permit issued on August 12, 2005. Last day to appeal was August 29, 2005. Jurisdiction request received on August 31, 2005. Letter from Sharyn Loeb, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/08/12/0212. Permit Holder(s): Robert & Lisa Niers. Project: on 2-unit building; remodel existing building including relocating existing bathrooms in each unit; upgrade existing kitchens and electrical service; rebuild existing rear room on 1st floor and roof deck due to excessive dry rot; replace and enlarge existing rear deck on 1st floor; new mechanical units; repair existing siding and trim at front elevation.

(3B) REHEARING REQUEST:

Subject Property at 2615-2623 Pacific Avenue. Letter from David Silverman, attorney for Paul Chow, appellant(s), requesting rehearing of Appeal No. 05-122, Chow vs. DBI, PCD, decided August 24, 2005. At that time, upon motion by Commissioner Knox, the Board voted 2-2-1 (Commissioners Fung and Garcia dissented, Commissioner Albright absent) to uphold the denial of the subject permit. Four votes being required to overturn a departmental action under Charter § 4.106, the denial of the permit by the Planning Commission was upheld. Project: convert existing 5-unit apartment building into a single-family house; remove existing rear stair and roof; add new stair, elevator and roof; re-arrange existing units, size and location; excavate existing basement; alter existing elevation; sprinklers under separate permit, B.P.A. No. 2003/06/22/7590.

(3C) ADOPTION OF FINDINGS:

Subject property at 4967-4969 – 17th Street. Appeal No(s). 05-110, Clark vs. DBI, PCD, decided Sept. 7th, 2005. At that time, upon motion by Commissioner Knox, the Board voted 5-0 to overrule the denial, and grant the subject permit. Project: merge two-units into single-family dwelling; remodel two floors throughout; existing "Ellis Act" property; BPA No. 2004/11/03/8481S.

(3D) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, Item 4, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

(4) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

(5) APPEAL NO. 05-109

SCOTT TICER & ILANA KOTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1-3 Vicksburg Street. Protesting the issuance on June 8, 2005, to Beitran Family Trust, Permit to Alter a Building (on 4-unit building: replace 3-story rear egress stair). APPLICATION NO. 2005/06/08/4522. PUBLIC HEARING HELD & CLOSED ON AUGUST 17, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued from Aug. 17, 2005 to allow time for DBI to consult with the Fire Dept. concerning firewall requirements.**

(6) **APPEAL NO. 05-138**

FALKO STRUNZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Shotwell Street. Protesting the issuance on July 26, 2005, to George Ouellette, Permit to Alter a Building (on 6-unit apartment building: remove illegal occupancy in basement per NOV; remove illegal plumbing work; remove illegal electrical work). APPLICATION NO. 2005/07/26/8665. FOR HEARING TODAY.

(7) **APPEAL NO. 05-141**

STANLEY & PALMA ANASTASIO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	505 Church Street. Appealing the denial on August 10, 2005, of Permit to Alter a Building (on 10-unit apartment/retail building: replace 65 aluminum windows with vinyl, double-hung windows). APPLICATION NO. 2005/01/27/4175. FOR HEARING TODAY.

(8) **APPEAL NO. 05-111**

KEVIN REED, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3412 – 22nd Street aka 994 Guerrero Street. Appealing the suspension on June 10, 2005, of Building Permit Application No. 2004/08/26/2632. Reason(s) for suspension: the Planning Department believes that the current use (social service retail / medical cannabis) creates conditions that are hazardous and noxious or offensive, in violation of Planning Code § 202(c). FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 15th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 21, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Katharine Albright, Commissioner Frank Fung, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA) Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Michael Garcia.

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(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Greg Lambaugh.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3A) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 919 Central Avenue. Permit issued on August 12, 2005. Last day to appeal was August 29, 2005. Jurisdiction request received on August 31, 2005. Letter from Sharyn Loeb, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/08/12/0212. Permit Holder(s): Robert & Lisa Niers. Project: on 2-unit building; remodel existing building including relocating existing bathrooms in each unit; upgrade existing kitchens and electrical service; rebuild existing rear room on 1st floor and roof deck due to excessive dry rot; replace and enlarge existing rear deck on 1st floor; new mechanical units; repair existing siding and trim at front elevation.

ACTION: Upon motion by President Sugaya, the Board voted 3-1-1 (Vice President Fung dissented, Commissioner Garcia absent) to deny the jurisdiction request.

SPEAKERS: Sharyn Loeb, requestor; Robert Niers, co-permit holder.

(3B) **REHEARING REQUEST:**

Subject Property at 2615-2623 Pacific Avenue. Letter from David Silverman, attorney for Paul Chow, appellant(s), requesting rehearing of Appeal No. 05-122, Chow vs. DBI, PCD, decided August 24, 2005. At that time, upon motion by Commissioner Knox, the Board voted 2-2-1 (Commissioners Fung and Garcia dissented, Commissioner Albright absent) to uphold the denial of the subject permit. Four votes being required to overturn a departmental action under Charter § 4.106, the denial of the permit by the Planning Commission was upheld. Project: convert existing 5-unit apartment building into a single-family house; remove existing rear stair and roof; add new stair, elevator and roof; re-arrange existing units, size and location; excavate existing basement; alter existing elevation; sprinklers under separate permit, B.P.A. No. 2003/06/22/7590.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule the matter to October 5, 2005.

SPEAKERS: Lawrence Badiner, ZA; David Silverman, attorney for appellant.

(3C) **ADOPTION OF FINDINGS:**

Subject property at 4967-4969 – 17th Street. Appeal No(s). 05-110, Clark vs. DBI, PCD, decided Sept. 7th, 2005. At that time, upon motion by Commissioner Knox, the Board voted 5-0 to overrule the denial, and grant the subject permit. Project: merge two-units into single-family dwelling; remodel two floors throughout; existing "Ellis Act" property; BPA No. 2004/11/03/8481S.

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to adopt the findings.

SPEAKERS: None.

(3D) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, Item 4, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule the matter to October 19, 2005 at the written request of the parties.

SPEAKERS: None.

(4) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

ACTION: Upon motion by Vice President Sugaya, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule the matter to October 19, 2005 at the written request of the parties.

SPEAKERS: None.

(5) APPEAL NO. 05-109

SCOTT TICER & ILANA KOTIN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1-3 Vicksburg Street. Protesting the issuance on June 8, 2005, to Beitran Family Trust, Permit to Alter a Building (on 4-unit building: replace 3-story rear egress stair). APPLICATION NO. 2005/06/08/4522. PUBLIC HEARING HELD & CLOSED ON AUGUST 17, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued from Aug. 17, 2005 to allow time for DBI to consult with the Fire Dept. concerning firewall requirements.**

ACTION: Upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the permit with a finding that the replacement stairs are similar to the existing stairs.

SPEAKERS: Laurence Kornfield, DBI.

(6) **APPEAL NO. 05-138**

FALKO STRUNZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Shotwell Street. Protesting the issuance on July 26, 2005, to George Ouellette, Permit to Alter a Building (on 6-unit apartment building: remove illegal occupancy in basement per NOV; remove illegal plumbing work; remove illegal electrical work). APPLICATION NO. 2005/07/26/8665. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to continue the matter to Dec. 7, 2005 with DBI to conduct a site visit for imminent life/safety issues.

SPEAKERS: Falko Strunz, appellant; Tom Corbett, agent for permit holder; Laurence Kornfield, DBI.

(7) **APPEAL NO. 05-141**

STANLEY & PALMA ANASTASIO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	505 Church Street. Appealing the denial on August 10, 2005, of Permit to Alter a Building (on 10-unit apartment/retail building: replace 65 aluminum windows with vinyl, double-hung windows). APPLICATION NO. 2005/01/27/4175. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 2-2-1 (President Sugaya and Commissioner Knox dissented, Commissioner Garcia absent) to overrule the denial. 4 votes being required to overturn a departmental action, the denial was upheld.

SPEAKERS: Lawrence Badiner, ZA; Jeremy Paul, agent for appellants; John Barbey, for appellants.

(8) **APPEAL NO. 05-111**

KEVIN REED, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3412 – 22nd Street aka 994 Guerrero Street. Appealing the suspension on June 10, 2005, of Building Permit Application No. 2004/08/26/2632. Reason(s) for suspension: the Planning Department believes that the current use (social service retail / medical cannabis) creates conditions that are hazardous and noxious or offensive, in violation of Planning Code § 202(c). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the suspension of the subject permit, with a finding that the medical cannabis use is not suitable for this location, on condition that the dispensary relocate as soon as legally possible and in anyway within 6 months, on condition that the Zoning Administrator's conditions (dated Sept. 15, 2005) be implemented, and with a further finding that there is no intention to infer inappropriate business practices or anything that would negatively impact the appellant's right to obtain necessary permits under new legislation for medical dispensaries (BOS File No. 051-250).

SPEAKERS: Lawrence Badiner, ZA; Joe Elford, attorney for appellant; David Diepenbrock, attorney for neighbors; Blair Moser, Andrew Segal, Julie Dilley, Beverly Wagstaff, Bob Frank, Nancy Deutsch, Sister Janice Therese Wellington, Meg Gorzycki, Anne Crawford, Barbara May, Marvin Edwards, Cathy Diepenbrock, Amy Risk, Risa Teitelbaum, Jeff Schaadt, Frank Wiley, Sherri Maurin, Karen Saux, Teresa Messino, Kathy Klausner, Virginia Mehegan, Peggy Corlett, Don Leonard, Barbara Russell, Linda Burch, Jay Cohen, Gloria Wallace, Stephane Saux, Shawna Wolverton, Asriel Levin, Mary Louise Beecroft, Veronica Gaynor, John Barbey, Gary Koll, Bob Cornwell, Kathy Oka, Dr. Dhadly, Donnan Creedon, Jennifer Segal, Charlie Moser, Francisco Cubias and William Woodruff, for DBI; Alex Franco, Paula Craig, Stephen Ronan, Michael Larson, Ojocion Ingram, Robert Marrs, Margaret Chesler, Rev. Randi Webster, Sonjia Miles, Michael Aldrich, Juan Cabezas, Cara Bersari, Emilio Aymat, Jonathan Beaver, Anthony Boss, Shona Gochenaur, Kapri Diaz, Evan Matteson, Michael Dane, Mellody Gannon, Michelle Aldrich, Sarah Shrader, Maria Molloy, and Ginger Pepper, for appellant; Dan Sider, PD.

There being no further business, President Sugaya adjourned the meeting at 10:06 p.m.

Robert H Feldman

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

Board of Appeals

September 28, 2005 (No Meeting)

PUBLIC NOTICE

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The Board of Appeals has not scheduled a meeting for September 28th, 2005. The next regular meeting is scheduled for **Wednesday, October 5th, 2005, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **Sept. 22nd, 2005**

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Board of Appeals

October 5, 2005

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 5, 2005
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Taxi Medallion No. 207. Letter from Joseph Breall, appellant(s), requesting rehearing of Appeal No(s). 05-033, Breall vs. TC, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Saunders and Commissioner Fung dissented) to uphold the Taxi Commission's revocation of the subject medallion.

(3b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 260 Kearny Street, 2nd Floor. Health Permit Zoning Referral issued by Zoning Administrator on July 20, 2005. Last day to appeal was August 4, 2005. Jurisdiction request received on August 24, 2005. Letter from Tony Fong, agent for Yue Zhen Ou, requestor(s), asking that the Board take jurisdiction over a Health

Permit Zoning Referral which disapproves the proposed massage establishment use at the subject property.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 640 London Street. Permit issued on July 14, 2005. Last day to appeal was July 29, 2005. Jurisdiction request received on August 31, 2005. Letter from Sieu Ta, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/07/14/7618 for the purpose of filing a penalty appeal.

(3d) REHEARING REQUEST:

Subject property at 1301 – 18th Street. Letter from Marwon Halteh, agent for Elias Han Han, appellant, requesting rehearing of Appeal No (s). 05-091, Han Han dba "New Potrero Market vs. DPH", decided July 27, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the Dept. of Public Health's 45-day suspension, and instead impose a 10-day suspension.

(3e) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 900 Ulloa Street and 290 Lenox Way. Permit issued on Nov. 2, 2004. Last day to appeal was Nov. 17, 2004. Jurisdiction request received on Sept. 8, 2005. Letter from Florence Fung, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/03/10/8279S. PermitHolder(s): City & County of San Francisco. Project: remodel of and addition to a 6,786sf public library (West Portal branch).

(3f) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 1294 Union Street. Permit issued on June 22, 2005. Last day to appeal was July 7, 2005. Jurisdiction request received on Sept. 15, 2005. Letter from Eddy & Anita Mamoun, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/22/5759. PermitHolder(s): David Lichman & Margaret Mak. Project: on single-family house; horizontal addition; install new deck. **Note:** Appeal 05-158, Mamoun vs. DBI, PDA, filed on Sept. 15, 2005 against BPA No. 2005/09/12/2556 (revision to BPA No. 2005/06/22/5759), is currently scheduled for hearing on Nov. 9, 2005. If this request is granted, the new appeal will also be scheduled for Nov. 9, 2005.

(3g) ADOPTION OF FINDINGS:

Subject Property at 575 – 25th Avenue. Appeal No. 05-112, Chan vs. DBI, PCD, decided September 14, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the subject permit with revised plans and the following condition(s): a) that the full bath at basement level be changed to a ½ bath; b) that the Japanese maple trees in the back yard be retained; c) that hours of construction be limited to 8am to 6pm, Monday through Friday; and d) that the 3 foot light well be expanded to 5 feet. § 14 Parties: Beth Lewis & Richard Lowden. Project: on single-family house; two-story horizontal addition to rear of existing building as per plan; one-story additional height to existing building as per plan; BPA No. 2003/08/26/3071S.

(3h) **REHEARING REQUEST:**

Various locations. Letter from Jim Heard, attorney for Verizon Wireless, appellant(s), requesting rehearing of Appeal No. 05-083, Verizon Wireless vs. DPW BSM, decided Sept. 7, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the denial of the subject utility conditions permit.

(3i) **REHEARING REQUEST:**

Subject Property at 2615-2623 Pacific Avenue. Letter from David Silverman, attorney for Paul Chow, appellant(s), requesting rehearing of Appeal No. 05-122, Chow vs. DBI, PCD, decided August 24, 2005. At that time, upon motion by Commissioner Knox, the Board voted 2-2-1 (President Sugaya concurring, Commissioners Fung and Garcia dissenting, Commissioner Albright absent) to uphold the denial of the subject permit. Four votes being required to overturn a departmental action under Charter § 4.106, the denial of the permit by the Planning Commission was upheld. Project: convert existing 5-unit apartment building into a single-family house; remove existing rear stair and roof; add new stair, elevator and roof; re-arrange existing units, size and location; excavate existing basement; alter existing elevation; sprinklers under separate permit, B.P.A. No. 2003/06/22/7590.

(4) **APPEAL NO. 05-098**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2240 Lombard Street. Appealing a determination dated May 24, 2005, addressed to Jacky Yan at Fortune America Inc. (New Subject Property Owners Simon Kwan et al.) concerning the legal status of the general advertising sign currently located on the west wall of the subject property. FOR HEARING TODAY.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 05-106**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Permit to Demolish a Building (2-story single family house with 1200sf of ground floor area). APPLICATION NO. 2002/06/12/8820. FOR HEARING TODAY.

(5B) **APPEAL NO. 05-107**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Site Permit to Erect a Building (3-story single family house with 1220sf of ground floor area). APPLICATION NO. 2002/06/12/8815S. FOR HEARING TODAY.

(6) **APPEAL NO. 05-108**

DEL-CAMP INVESTMENTS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	578-592 Jersey Street. Appealing the revocation on November 16, 2004, of Building Permit Application No. 2004/01/27/4922. Reason(s) for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building. JURISDICTION GRANTED JUNE 8, 2005. FOR HEARING TODAY.

(7) **APPEAL NO. 05-119**

JOHN RITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	333 Greenwich Street. Appealing the denial on July 11, 2005, of Permit to Alter a Building (on 6-unit apartment building: merge units #3 and #4 into one unit; remove one kitchen in studio and convert kitchen to bedroom; convert one bedroom to dining room and

	other changes shown on drawings; no structural work; work includes partitions and finishes). APPLICATION NO. 2005/03/01/6477S. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 05-143**

KEN SMALDONE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2011 – 9th Avenue. Protesting the issuance on August 10, 2005, to Thomas Swingle, Site Permit to Alter a Building (on single-family house: remodel kitchen, bath, and playroom; add 3rd level with study, 2 bedrooms and 2 baths). APPLICATION NO. 2003/07/31/0919S. FOR HEARING TODAY.

(8B) **APPEAL NO. 05-144**

TOMOMI KATO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2011 – 9th Avenue. Protesting the issuance on August 10, 2005, to Thomas Swingle, Site Permit to Alter a Building (on single-family house: remodel kitchen, bath, and playroom; add 3rd level with study, 2 bedrooms and 2 baths). APPLICATION NO. 2003/07/31/0919S. FOR HEARING TODAY.

(9) **APPEAL NO. 05-145**

DONALD WILSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	849 Sanchez Street. Protesting the issuance on August 2, 2005, to Mark Miller, Site Permit to Alter a Building (on single-family house: addition at front of house; windows; remodel front of house; complete remodel of interior; remove illegal unit from use and combine with rest of house). APPLICATION NO. 2004/07/23/9652S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **September 29th, 2005**

Board of Appeals

October 5, 2005

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 5, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Commissioner Katharine Albright, Commissioner Frank Fung, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Tom Owen, Deputy City Attorney for the Taxi Commission (TC); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

ABSENT: Commissioner Michael Garcia.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Taxi Medallion No. 207. Letter from Joseph Breall, appellant(s), requesting rehearing of Appeal No(s). 05-033, Breall vs. TC, decided May 18, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 3-2 (Vice President Saunders and Commissioner Fung dissented) to uphold the Taxi Commission's revocation of the subject medallion.

ACTION: Upon motion by President Sugaya, the Board voted 3-1-1 (Commissioner Fung dissented, Commissioner Garcia absent) to deny the rehearing request.

SPEAKERS: Joseph Breall, appellant; Tom Owen, attorney for TC.

(3b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 260 Kearny Street, 2nd Floor. Health Permit Zoning Referral issued by Zoning Administrator on July 20, 2005. Last day to appeal was August 4, 2005. Jurisdiction request received on August 24, 2005. Letter from Tony Fong, agent for Yue Zhen Ou, requestor(s), asking that the Board take jurisdiction over a Health Permit Zoning Referral which disapproves the proposed massage establishment use at the subject property.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to grant the jurisdiction request.

SPEAKERS: Edward Hung, attorney for appellant; Jonas Ionin, PD.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 640 London Street. Permit issued on July 14, 2005. Last day to appeal was July 29, 2005. Jurisdiction request received on August 31, 2005. Letter from Sieu Ta, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/07/14/7618 for the purpose of filing a penalty appeal.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Garcia absent) to grant the jurisdiction request.

SPEAKERS: Laurence Kornfield, DBI; Pamela O'Dell, agent for requestor; Sieu Ta, requestor.

(3d) **REHEARING REQUEST:**

Subject property at 1301 – 18th Street. Letter from Marwon Halteh, agent for Elias Han Han, appellant, requesting rehearing of Appeal No (s). 05-091, Han Han dba "New Potrero Market vs. DPH", decided July 27, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the Dept. of Public Health's 45-day suspension, and instead impose a 10-day suspension.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule the matter to Nov. 9, 2005 at the written request of the parties.

SPEAKERS: None.

(3e) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject Property at 900 Ulloa Street and 290 Lenox Way. Permit issued on Nov. 2, 2004. Last day to appeal was Nov. 17, 2004. Jurisdiction request received on Sept. 8, 2005. Letter from Florence Fung, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/03/10/8279S. PermitHolder(s): City & County of San Francisco. Project: remodel of and addition to a 6,786sf public library (West Portal branch).

ACTION: Upon motion by Commissioner Knox, the Board voted 3-0-2 (President Sugaya recused, Commissioner Garcia absent) to reschedule the matter to Nov. 9, 2005 at the written request of the parties.

SPEAKERS: None.

(3f) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject Property at 1294 Union Street. Permit issued on June 22, 2005. Last day to appeal was July 7, 2005. Jurisdiction request received on Sept. 15, 2005. Letter from Eddy & Anita Mamoun, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/22/5759. PermitHolder(s): David Lichman & Margaret Mak. Project: on single-family house; horizontal addition; install new deck. **Note:** Appeal 05-158, Mamoun vs. DBI, PDA, filed on Sept. 15, 2005 against BPA No. 2005/09/12/2556 (revision to BPA No. 2005/06/22/5759), is currently scheduled for hearing on Nov. 9, 2005. If this request is granted, the new appeal will also be scheduled for Nov. 9, 2005.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to continue the matter to Oct. 19, 2005, with a report from Planning staff on roof deck notification requirements.

SPEAKERS: Eddy Mamoun, co-requestor; Anita Mamoun, co-requestor; Michael Lichtman, co-permit holder; Laurence Kornfield, DBI; Jonas Ionin, PD.

(3g) ADOPTION OF FINDINGS:

Subject Property at 575 – 25th Avenue. Appeal No. 05-112, Chan vs. DBI, PCD, decided September 14, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denial, and grant the subject permit with revised plans and the following condition(s): a) that the full bath at basement level be changed to a ½ bath; b) that the Japanese maple trees in the back yard be retained; c) that hours of construction be limited to 8am to 6pm, Monday through Friday; and d) that the 3 foot light well be expanded to 5 feet. § 14 Parties: Beth Lewis & Richard Lowden. Project: on single-family house; two-story horizontal addition to rear of existing building as per plan; one-story additional height to existing building as per plan; BPA No. 2003/08/26/3071S.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Garcia absent) to adopt the findings as amended.

SPEAKERS: Franklin Chan, appellant.

(3h) REHEARING REQUEST:

Various locations. Letter from Jim Heard, attorney for Verizon Wireless, appellant(s), requesting rehearing of Appeal No. 05-083, Verizon Wireless vs. DPW BSM, decided Sept. 7, 2005. At that time, upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the denial of the subject utility conditions permit.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to deny the rehearing request.

SPEAKERS: James Heard, attorney for appellant; William Sanders, attorney for DPW.

(3i) **REHEARING REQUEST:**

Subject Property at 2615-2623 Pacific Avenue. Letter from David Silverman, attorney for Paul Chow, appellant(s), requesting rehearing of Appeal No. 05-122, Chow vs. DBI, PCD, decided August 24, 2005. At that time, upon motion by Commissioner Knox, the Board voted 2-2-1 (President Sugaya concurring, Commissioners Fung and Garcia dissenting, Commissioner Albright absent) to uphold the denial of the subject permit. Four votes being required to overturn a departmental action under Charter § 4.106, the denial of the permit by the Planning Commission was upheld. Project: convert existing 5-unit apartment building into a single-family house; remove existing rear stair and roof; add new stair, elevator and roof; re-arrange existing units, size and location; excavate existing basement; alter existing elevation; sprinklers under separate permit, B.P.A. No. 2003/06/22/7590.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Garcia absent) to deny the rehearing request.

SPEAKERS: David Silverman, attorney for appellant; Jonas Ionin, PD; Greg Scott, Ian Berke, Judith Duffy, and Courtney Clarkson, for PC.

(4) **APPEAL NO. 05-098**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2240 Lombard Street. Appealing a determination dated May 24, 2005, addressed to Jacky Yan at Fortune America Inc. (New Subject Property Owners Simon Kwan et al.) concerning the legal status of the general advertising sign currently located on the west wall of the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Garcia absent) to reschedule the matter to November 30, 2005 at the written request of the parties.

SPEAKERS: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 05-106**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Permit to Demolish a Building (2-story single family house with 1200sf of ground floor area). APPLICATION NO. 2002/06/12/8820. FOR HEARING TODAY.

(5B) **APPEAL NO. 05-107**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Site Permit to Erect a Building (3-story single family house with 1220sf of ground floor area). APPLICATION NO. 2002/06/12/8815S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to continue the matter to Nov. 2, 2005, with the public hearing closed, and with the appellant to resubmit revised plans pursuant to the Board's comments, and pursuant to any further concerns of the Planning Department.

SPEAKERS: Jonas Ionin, PD; William Lin, agent for appellant; Collins O'Neill, appellant; Richard Lane, Steven Currier, and Matthew Householder, for PC.

(6) **APPEAL NO. 05-108**

DEL-CAMP INVESTMENTS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	578-592 Jersey Street. Appealing the revocation on November 16, 2004, of Building Permit Application No. 2004/01/27/4922. Reason(s) for revocation: the subject permit was issued in error since it was disapproved by the Planning Department because the proposed vinyl windows are inappropriate for the building. JURISDICTION GRANTED JUNE 8, 2005. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-1-1 (Commissioner Fung dissented, Commissioner Garcia absent) to uphold the revocation.

SPEAKERS: Jonas Ionin, PD; William Abend, agent for appellant; Alex Koustas, agent for appellant; Laurence Kornfield, DBI; Gary Bell, for appellant.

(7) **APPEAL NO. 05-119**

JOHN RITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	333 Greenwich Street. Appealing the denial on July 11, 2005, of Permit to Alter a Building (on 6-unit apartment building: merge units #3 and #4 into one unit; remove one kitchen in studio and convert kitchen to bedroom; convert one bedroom to dining room and other changes shown on drawings; no structural work; work includes partitions and finishes). APPLICATION NO. 2005/03/01/6477S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to continue the matter to Nov. 9, 2005 so that Commissioner Garcia can participate in the final vote, and with the public hearing held and closed.

SPEAKERS: Jonas Ionin, PD; Jon Ritt, appellant; Lillian Ritt, mother of appellant; Gary Bell, agent for appellant.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 05-143**

KEN SMALDONE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2011 – 9th Avenue. Protesting the issuance on August 10, 2005, to Thomas Swingle, Site Permit to Alter a Building (on single-family house: remodel kitchen, bath, and playroom; add 3rd level with study, 2 bedrooms and 2 baths).

	APPLICATION NO. 2003/07/31/0919S. FOR HEARING TODAY.

(8B) **APPEAL NO. 05-144**

TOMOMI KATO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2011 – 9th Avenue. Protesting the issuance on August 10, 2005, to Thomas Swingle, Site Permit to Alter a Building (on single-family house: remodel kitchen, bath, and playroom; add 3rd level with study, 2 bedrooms and 2 baths). APPLICATION NO. 2003/07/31/0919S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the permit.

SPEAKERS: Ken Smaldone, appellant; Mike Gevertz, attorney for permit holder; Toyoko Swingle, wife of permit holder; Thomas Swingle, permit holder; Elizabeth Tong, Cathy Kora, Russ Butler, Thomas Chan, and Lynn Sywolski, for appellants; Laurence Kornfield, DBI.

(9) **APPEAL NO. 05-145**

DONALD WILSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	849 Sanchez Street. Protesting the issuance on August 2, 2005, to Mark Miller, Site Permit to Alter a Building (on single-family house: addition at front of house; windows; remodel front of house; complete remodel of interior; remove illegal unit from use and combine with rest of house). APPLICATION NO. 2004/07/23/9652S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the permit.

SPEAKERS: Don Wilson, appellant; Mark Miller, permit holder; Steve Gray, agent for permit holder.

There being no further business, President Sugaya adjourned the meeting at 10:05 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES, PUBLIC COMMENT – OCTOBER 5, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

ITEMS:

(1) PUBLIC COMMENT: None

(2) PUBLIC COMMENT: None.

(3a) PUBLIC COMMENT: None.

(3b) PUBLIC COMMENT: None.

(3c) PUBLIC COMMENT: None.

(3d) PUBLIC COMMENT: None.

(3e) PUBLIC COMMENT: None.

(3f) PUBLIC COMMENT: None.

(3g) PUBLIC COMMENT: None.

(3h) PUBLIC COMMENT: None.

(3i) PUBLIC COMMENT: Greg Scott opposed appeal because this NCU has not been abandoned and no new evidence would be presented at a rehearing.

Ian Berke said built as five flats and the owner gutted the building in order to mislead Planners. These units are very rare today and should have been preserved.

Judith Duffy said no new argument to justify a rehearing.

Courtney Clarkson questioned “Do we really need a 15,000 square foot house?”

(4) PUBLIC COMMENT: None.

(5a/b) PUBLIC COMMENT: Richard Lane said plans have not been given to concerned neighbors for review.

Steven Currier association president said no one on Lisbon in support of project. Architect didn't give plans to neighbors nor erect story poles for this proposed monster home.

Matthew Householder said appellant fails to compromise and promises changes that are never made.

(6) PUBLIC COMMENT: Gary Bell described the permit process.

(7) PUBLIC COMMENT: None.

(8a/b) PUBLIC COMMENT: Elizabeth Tong said appellant Kato's house will lose its privacy because of proposed roof deck.

Cathy Kora said appellant's rooms will lose sunlight.

Russ Butter agreed that project will cost appellants' houses light and privacy.

Thomas Chan said matching light well on top floor only and project will block most light. Needs matching light wells on all levels because there will be major impact on houses near by.

Lynn Sywolski said a second egress is needed as originally on plans but now reduced to one.

City and County of San Francisco **Board of Appeals**

PUBLIC NOTICE

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#2
10/12/05
cancelled

The Board of Appeals has not scheduled a meeting for October 12th, 2005. The next regular meeting is scheduled for **Wednesday, October 19th, 2005, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Robert H Feld

Date Posted: **October 5th, 2005**

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, OCTOBER 19, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

9/05

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) **SPECIAL ITEM:** Discussion and adoption of the Board's position on medical cannabis dispensary use within NC-1 (neighborhood commercial) zoning districts.

10-17-05A10:[illegible]9 RCVD

(4) ADDENDUM ITEMS:

(4a) REHEARING REQUEST:

Subject property at 505 Church Street. Letter from Jeremy Paul, agent for Stanley & Palma Anastasio, appellant(s), requesting rehearing of Appeal No. 05-141, Anastasio vs. DBI, PDD, decided September 21, 2005. At that time, upon motion by Commissioner Fung, the Board voted 2-2-1 (President Sugaya & Commissioner Knox dissented, Commissioner Garcia absent) to overrule the denial, and grant the subject permit. 4 votes being required to overturn a departmental action under City Charter § 4.106(d), the denial of the subject permit was upheld. Project: on 10-unit apartment/retail building, replace 65 aluminum windows with vinyl, double-hung windows, BPA No. 2005/01/27/4175.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 1294 Union Street. Permit issued on June 22, 2005. Last day to appeal was July 7, 2005. Jurisdiction request received on Sept. 15, 2005. Letter from Eddy & Anita Mamoun, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/22/5759. Permit Holder(s): David Lichman & Margaret Mak. Project: on single-family house; horizontal addition; install new deck. **Note:** Appeal 05-158, Mamoun vs. DBI, PDA, filed on Sept. 15, 2005 against BPA No. 2005/09/12/2556 (revision to BPA No. 2005/06/22/5759), is currently scheduled for hearing on Nov. 9, 2005. If this request is granted, the new appeal will also be scheduled for Nov. 9, 2005. **Further Note:** Public hearing on this jurisdiction request was held and closed on October 5, 2005; matter continued to allow time for the Planning Department to research roof deck notification requirements.

(4c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, Item 5, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

(5) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

(6) APPEAL NO. 05-148

DOUGLAS LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1782-1784 – 39th Avenue. Appealing the imposition of penalty on August 23, 2005, for work done without a permit (on 2-unit residential building: replace existing siding with stucco siding; construct 8 ft high wall at property line (1 hour wall); replace windows at property line with new rated window per plan; comply with NOV no. 200455883. APPLICATION NO. 2005/03/03/6664. FOR HEARING TODAY.

(7) **APPEAL NO. 05-075**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Baker Street. Protesting the issuance on April 12, 2005, to Hassan Kangarloo, Permit to Alter a Building (on 13-unit residential/tourist hotel: change of occupancy class only, to single-family dwelling; no construction to take place on property; all drawings are shown "as-built"; building has full sprinkler suppression system). APPLICATION NO. 2005/04/12/9782. FOR HEARING TODAY.

ITEMS (8A), (8B), (8C), (8D), (8E) & (8F) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(8B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(8C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(8D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.

(8E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(8F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

(9) **APPEAL NO. 05-147**

LEONARD STEFANELLI & MARTIN BECKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2959 – 21st Avenue. Protesting the issuance on August 15, 2005, to Henry Quach, Permit to Alter a Building (on single-family house: replace foundation; reinforce portion of floor joist; add rooms at ground floor; remodel kitchen and bath; add new bath; reinforce roof joists; add 4 skylights at 2nd floor; to comply with NOV no. 200561797; and add rear deck). APPLICATION NO. 2005/08/15/0271. FOR HEARING TODAY.

(10) **APPEAL NO. 05-149**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on August 24, 2005, to Kenneally Construction, Permit to Demolish a Building (one-story single-family house with 700sf of ground floor area). APPLICATION NO. 2005/08/24/1170. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 13th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

Board of Appeals

October 19, 2005

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCTOBER 19, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **SPECIAL ITEM:** Discussion and adoption of the Board's position on medical cannabis dispensary use within NC-1 (neighborhood commercial) zoning districts.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1

(Commissioner Knox absent) to direct staff to draft a letter to the Board of Supervisors outlining the Board's opposition to medical cannabis dispensaries in NC-1 districts.

SPEAKERS: None.

(4) **ADDENDUM ITEMS:**

(4a) REHEARING REQUEST:

Subject property at 505 Church Street. Letter from Jeremy Paul, agent for Stanley & Palma Anastasio, appellant(s), requesting rehearing of Appeal No. 05-141, Anastasio vs. DBI, PDD, decided September 21, 2005. At that time, upon motion by Commissioner Fung, the Board voted 2-2-1 (President Sugaya & Commissioner Knox dissented, Commissioner Garcia absent) to overrule the denial, and grant the subject permit. 4 votes being required to overturn a departmental action under City Charter § 4.106(d), the denial of the subject permit was upheld. Project: on 10-unit apartment/retail building, replace 65 aluminum windows with vinyl, double-hung windows, BPA No. 2005/01/27/4175.

ACTION: Upon motion by President Sugaya, the Board voted 2-3 (Vice President Fung, Commissioner Garcia, and Commissioner Albright dissented) to deny the rehearing request. 4 votes being required to grant a rehearing request, the request was denied.

SPEAKERS: Jeremy Paul, agent for appellant; Jonas Ionin, PD; Henry Karnilowicz, for appellant.

(4b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 1294 Union Street. Permit issued on June 22, 2005. Last day to appeal was July 7, 2005. Jurisdiction request received on Sept. 15, 2005. Letter from Eddy & Anita Mamoun, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/06/22/5759. PermitHolder(s): David Lichman & Margaret Mak. Project: on single-family house; horizontal addition; install new deck. **Note:** Appeal 05-158, Mamoun vs. DBI, PDA, filed on Sept. 15, 2005 against BPA No. 2005/09/12/2556 (revision to BPA No. 2005/06/22/5759), is currently scheduled for hearing on Nov. 9, 2005. If this request is granted, the new appeal will also be scheduled for Nov. 9, 2005. **Further Note:** Public hearing on this jurisdiction request was held and closed on October 5, 2005; matter continued to allow time for the Planning Department to research roof deck notification requirements.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: Jonas Ionin, PD; Laurence Kornfield, DBI; Eddy Mamoun, requestor.

(4c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1314-1316 – 7th Avenue. Variance denied on December 9, 2004. Last day to appeal was December 20, 2004. Jurisdiction request received on March 3, 2005. Letter from Jeremy Paul, agent for Stanley Anastasio, requestor(s), asking that the Board take jurisdiction over variance decision 2004.0408V. Project: proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard. **Note:** if this jurisdiction request is granted, then Appeal No(s). V04-199, Item 5, filed on Dec. 21, 2005 and accepted in error one-day late by Board staff, may proceed to a hearing on the merits.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to grant the jurisdiction request.

(5) APPEAL NO. V04-199

STANLEY ANASTASIO, Appellant (s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. FOR HEARING TODAY IF JURISDICTION REQUEST ABOVE IS GRANTED.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the matter to Nov. 30, 2005, and for there to be no more reschedulings.

SPEAKERS: None.

(6) APPEAL NO. 05-148

DOUGLAS LEE, Appellant(s) vs.	1782-1784 – 39th Avenue. Appealing the imposition of

DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	penalty on August 23, 2005, for work done without a permit (on 2-unit residential building: replace existing siding with stucco siding; construct 8 ft high wall at property line (1 hour wall); replace windows at property line with new rated window per plan; comply with NOV no. 200455883. APPLICATION NO. 2005/03/03/6664. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(7) **APPEAL NO. 05-075**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Baker Street. Protesting the issuance on April 12, 2005, to Hassan Kangarloo, Permit to Alter a Building (on 13-unit residential/tourist hotel: change of occupancy class only, to single-family dwelling; no construction to take place on property; all drawings are shown “as-built”; building has full sprinkler suppression system). APPLICATION NO. 2005/04/12/9782. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to reschedule the matter to Nov. 9, 2005.

SPEAKERS: Jeremy Paul, agent for appellant; Jonas Ionin, PD.

ITEMS (8A), (8B), (8C), (8D), (8E) & (8F) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs.	1166 Haight Street #7. Protesting the issuance on June

DEPT. OF BUILDING INSPECTION, Respondent	22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(8B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(8C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(8D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO.

	2005/06/22/5703. FOR HEARING TODAY.

(8E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(8F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0 to recuse Commissioner Knox. Afterwards, upon motion by President Sugaya, the Board voted 4-0-1 (Commissioner Knox recused) to reschedule the matters to March 1, 2006.

SPEAKERS: Raquel Fox, attorney for appellants; Elva Harding, attorney for permit holder; John Pollard, agent for permit holder.

(9) **APPEAL NO. 05-147**

LEONARD STEFANELLI & MARTIN BECKER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2959 – 21st Avenue. Protesting the issuance on August 15, 2005, to Henry Quach, Permit to Alter a Building (on single-family house: replace foundation; reinforce portion of floor joist; add

PLANNING DEPT. APPROVAL	rooms at ground floor; remodel kitchen and bath; add new bath; reinforce roof joists; add 4 skylights at 2nd floor; to comply with NOV no. 200561797; and add rear deck). APPLICATION NO. 2005/08/15/0271. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0 to recuse Commissioner Knox. Afterwards, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Knox recused) to uphold the permit on condition that an NSR be recorded limiting the use to single-family, and on condition that revised plans be submitted which are code compliant as to the rear deck.

SPEAKERS: Leonard Stefanelli, co-appellant; Brett Gladstone, attorney for permit holder; Martin Becker, co-appellant; Laurence Kornfield, DBI; Jonas Ionin, PD.

(10) **APPEAL NO. 05-149**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on August 24, 2005, to Kenneally Construction, Permit to Demolish a Building (one-story single-family house with 700sf of ground floor area). APPLICATION NO. 2005/08/24/1170. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to Nov. 2, 2005 at the written request of the parties.

SPEAKERS: None.

There being no further business, President Sugaya adjourned the meeting at 7:21 p.m.

____

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES, PUBLIC COMMENT – OCTOBER 19, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

ITEMS:

(1) PUBLIC COMMENT: None.

(2) PUBLIC COMMENT: None.

(3) PUBLIC COMMENT: None.

(4a) PUBLIC COMMENT: Henry Karnilowicz described previous window replacement cases.

(4b) PUBLIC COMMENT: None.

(4c) PUBLIC COMMENT: None.

(5) PUBLIC COMMENT: None.

(6) PUBLIC COMMENT: None.

(7) PUBLIC COMMENT: None.

(8) PUBLIC COMMENT: None.

(9) PUBLIC COMMENT: None.

(10) PUBLIC COMMENT: None.

Board of Appeals

October 26, 2005 (No Meeting)

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for October 26th, 2005. The next regular meeting is scheduled for **Wednesday, November 2nd, 2005, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **October 20th, 2005**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 2, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

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(3) ADDENDUM ITEMS:

(3a) REHEARING REQUEST:

Subject property at 2011 – 9th Avenue. Letter from Ken Smaldone, appellant(s), requesting rehearing of Appeal No(s). 05-143, Smaldone vs. DBI, PDA, decided October 5, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the subject permit. Permit Holder(s): Thomas Swingle. Project: on single-family house, remodel kitchen, bath, and playroom; add 3rd level with study, 2 bedrooms and 2 baths, BPA No. 2003/07/31/0919S.

(4) APPEAL NO. 05-137

ROBERT V. CUEVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1636-1638 Great Highway. Appealing the imposition of penalty on August 3, 2005, for work done without a permit (response to NOV no. 200558996; demolish illegal 3rd dwelling unit on ground floor; remove kitchen and bathroom and provide for permitting of storage rooms). APPLICATION NO. 2005/07/27/8735. FOR HEARING TODAY.

(5) **APPEAL NO. 05-153**

CHRIS ENOKAWA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1867 – 46th Avenue. Appealing the imposition of penalty imposed on August 17, 2005, for work done without a permit (on single-family house: comply with NOV No. 200557649; remove illegal units downstairs). APPLICATION NO. 2005/08/16/0431. FOR HEARING TODAY.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 05-106**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Permit to Demolish a Building (2-story single family house with 1200sf of ground floor area). APPLICATION NO. 2002/06/12/8820. PUBLIC HEARING HELD & CLOSED OCTOBER 5, 2005. FOR FURTHER CONSIDERATION TODAY.

(6B) **APPEAL NO. 05-107**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Site Permit to Erect a Building (3-story single family house with 1220sf of ground floor area). APPLICATION NO. 2002/06/12/8815S. PUBLIC HEARING HELD & CLOSED OCTOBER 5, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matters continued to allow time for appellant to submit revised plans pursuant to the Board's comments, and pursuant to any further concerns of the Planning Department.**

(7) **APPEAL NO. 04-066**

JAMIE YUEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 10, 2004, of medallion no(s). 1100. RESOLUTION NO. 2004-31. FOR HEARING TODAY.

(8) **APPEAL NO. 04-073**

DIANE COHEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 18, 2004, of medallion no(s). 1147. RESOLUTION NO. 2004-37. FOR HEARING TODAY.

(9) **APPEAL NO. 04-122**

BORIS SHAMIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension on September 1, 2004, of a Driver of Public Passenger Vehicle For Hire Permit. PERMIT NO. 055382. RESOLUTION NO. 2004-48. FOR HEARING TODAY.

(10) **APPEAL NO. 04-136**

JUAN MAGARIN dba "MISSION BAY TOW", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1100 Crescent Avenue. Appealing a Police Permit Zoning Referral (P51, Tow Car Firm) dated September 28, 2004, addressed to Juan Magarin, that the proposed use at the subject property, tow car operator, is not a permitted use in the NC-S (Neighborhood Commercial Shopping Center) zoning district pursuant to Planning Code §§ 713.1 to 713.95, and that Planning Department records do not indicate the legal establishment of a non-conforming use for a tow car operator at this location. FOR HEARING TODAY.

(11) **APPEAL NO. 05-128**

JAMES WITHRINGTON dba "GO CAR RENTALS", Appellant(s) vs. POLICE DEPARTMENT, Respondent PLANNING DEPT. DISAPPROVAL	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). FOR HEARING TODAY.

(12) **APPEAL NO. 05-142**

TOM McDONALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1140 Potrero Avenue. Appealing the denial on August 16, 2005, of Permit to Demolish a Building (2-story single-family house). APPLICATION NO. 2004/07/23/9615. FOR HEARING TODAY.

(13) **APPEAL NO. 05-146**

ED HARDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: FRED BULLOCK	567 Sanchez Street. Appealing the denial on August 18, 2005, of Site Permit to Alter a Building (on single-family house: add 3 balconies on north side of building; extend 3rd floor closet at west side to south property line; add chimney enclosure to kitchen exhaust; add 10 foot high wall in rear yard). APPLICATION NO. 2005/04/18/0216S. FOR HEARING TODAY.

(14) **APPEAL NO. 05-149**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on August 24, 2005, to Kenneally Construction, Permit to Demolish a Building (one-story single-family house with 700sf of ground floor area). APPLICATION NO. 2005/08/24/1170. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 21st, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

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record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

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Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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Board of Appeals

November 02, 2005

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 2, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Heidi Machen, Executive Director, and Tom Owen, Deputy City Attorney, for the Taxi Commission (TC); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADDENDUM ITEMS:**

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(3a) REHEARING REQUEST:

Subject property at 2011 – 9th Avenue. Letter from Ken Smaldone, appellant(s), requesting rehearing of Appeal No(s). 05-143, Smaldone vs. DBI, PDA, decided October 5, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the subject permit. Permit Holder(s): Thomas Swingle. Project: on single-family house, remodel kitchen, bath, and playroom; add 3rd level with study, 2 bedrooms and 2 baths, BPA No. 2003/07/31/0919S.

ACTION: Withdrawn by appellant per phone message to Board office.

SPEAKERS: None.

(4) **APPEAL NO. 05-137**

ROBERT V. CUEVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1636-1638 Great Highway. Appealing the imposition of penalty on August 3, 2005, for work done without a permit (response to NOV no. 200558996; demolish illegal 3rd dwelling unit on ground floor; remove kitchen and bathroom and provide for permitting of storage rooms). APPLICATION NO. 2005/07/27/8735. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (President Sugaya dissented) to reschedule the matter to Nov. 9, 2005. Afterwards, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Fung absent) to rescind the previous motion, and reschedule the matter to Nov. 30, 2005.

SPEAKERS: None. Appellant did not appear.

(5) **APPEAL NO. 05-153**

CHRIS ENOKAWA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1867 – 46th Avenue. Appealing the imposition of penalty imposed on August 17, 2005, for work done without a permit (on single-family house: comply with NOV No. 200557649; remove illegal units downstairs). APPLICATION NO.

	2005/08/16/0431. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reduce the penalty to 2 times the regular fee.

SPEAKERS: None. DBI consented to reduction.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 05-106**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Permit to Demolish a Building (2-story single family house with 1200sf of ground floor area). APPLICATION NO. 2002/06/12/8820. PUBLIC HEARING HELD & CLOSED OCTOBER 5, 2005. FOR FURTHER CONSIDERATION TODAY.

(6B) **APPEAL NO. 05-107**

COLLINS O'NEILL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	586 Lisbon Street. Appealing the denial on June 16, 2005, of Site Permit to Erect a Building (3-story single family house with 1220sf of ground floor area). APPLICATION NO. 2002/06/12/8815S. PUBLIC HEARING HELD & CLOSED OCTOBER 5, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matters continued to allow time for appellant to submit revised plans pursuant to the Board's comments, and pursuant to any further concerns of the Planning Department.**

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to overrule the denials, and grant the permits with revised plans, and with findings to be adopted at a later date.

SPEAKERS: William Lim, agent for appellant; Jonas Ionin, PD; Steven Currier, for PC.

(7) **APPEAL NO. 04-066**

JAMIE YUEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 10, 2004, of medallion no (s). 1100. RESOLUTION NO. 2004-31. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 3-1-1 (Commissioner Knox dissented, Vice President Fung absent) to uphold the revocation.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Heidi Machen, TC; Inspector Farrell Suslow, SFPD; Mark Gruberg, for TC; Barry Taranto and Dan Hinds, for appellant; Jamie Yuen, appellant.

(8) **APPEAL NO. 04-073**

DIANE COHEN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on June 18, 2004, of medallion no (s). 1147. RESOLUTION NO. 2004-37. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Fung absent) to uphold the revocation.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Heidi Machen, TC; Inspector Farrell Suslow, SFPD; Mark Gruberg, for TC.

(9) **APPEAL NO. 04-122**

BORIS SHAMIS, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension on September 1, 2004, of a Driver of Public Passenger Vehicle For Hire Permit. PERMIT NO. 055382. RESOLUTION NO. 2004-48. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Albright, the Board voted 4-0-1 (Vice President Fung absent) to uphold the suspension.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Heidi Machen, TC; Sgt. Vince Simpson, SFPD; Boris Shamis, appellant.

(10) **APPEAL NO. 04-136**

JUAN MAGARIN dba "MISSION BAY TOW", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1100 Crescent Avenue. Appealing a Police Permit Zoning Referral (P51, Tow Car Firm) dated September 28, 2004, addressed to Juan Magarin, that the proposed use at the subject property, tow car operator, is not a permitted use in the NC-S (Neighborhood Commercial Shopping Center) zoning district pursuant to Planning Code §§ 713.1 to 713.95, and that Planning Department records do not indicate the legal establishment of a non-conforming use for a tow car operator at this location. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4-0-1 (Vice President Fung absent) to continue the matter to Jan. 25, 2006 with the public hearing closed.

SPEAKERS: Juan Magarin, appellant; Jonas Ionin, PD.

(11) **APPEAL NO. 05-128**

JAMES WITHRINGTON dba "GO CAR RENTALS", Appellant (s) vs. POLICE DEPARTMENT, Respondent PLANNING DEPT. DISAPPROVAL	2715 Hyde Street. Appealing the denial on July 7, 2005, of a Driverless Auto Rental Permit (P02). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0-1 (Vice President Fung absent) to continue the matter to Feb. 22, 2006 with the public hearing closed.

SPEAKERS: Jonas Ionin, PD; Jeremy Paul, agent for appellant.

(12) **APPEAL NO. 05-142**

TOM McDONALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1140 Potrero Avenue. Appealing the denial on August 16, 2005, of Permit to Demolish a Building (2-story single-family house). APPLICATION NO. 2004/07/23/9615. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the matter to Dec. 7, 2005 at the written request of the parties.

SPEAKERS: None.

(13) **APPEAL NO. 05-146**

ED HARDY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL § 14 Party: FRED BULLOCK	567 Sanchez Street. Appealing the denial on August 18, 2005, of Site Permit to Alter a Building (on single-family house: add 3 balconies on north side of building; extend 3rd floor closet at west side to south property line; add chimney enclosure to kitchen exhaust; add 10 foot high wall in rear yard). APPLICATION NO. 2005/04/18/0216S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 3-2 (President Sugaya and Vice President Fung dissented) to overrule the denial, and grant the permit with deletion of the following revisions: a) extension of 3rd floor closet at west side to south property line; and b) addition of chimney enclosure to kitchen exhaust. 4 votes being required to overrule a departmental action, the denial of the subject permit was upheld.

SPEAKERS: Jonas Ionin, PD; Ed Hardy, appellant; Joe Butler, agent for Sec. 14 Party; Fred Bullock, Sec. 14 Party; Roderic Cranston, Joanne Nelson, Gus Nelson, David Mast, John Moretto, and Gary Beuschel, for appellant; Ronald Slayen, Robert Hogan, Anna Stone, and Philip Berg, for Planning Commission; Jerry Veverka, agent for appellant; Sue Hestor, attorney for Sec. 14 Party.

(14) **APPEAL NO. 05-149**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on August 24, 2005, to Kenneally Construction, Permit to Demolish a Building (one-story single-family house with 700sf of ground floor area). APPLICATION NO. 2005/08/24/1170. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to Nov. 9, 2005 at the written request of the parties.

SPEAKERS: None.

There being no further business, President Sugaya adjourned the meeting at 10:15 p.m.

Robert H. Feldman, Executive Secretary
Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES, PUBLIC COMMENT – NOVEMBER 02, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

ITEMS:

(1) PUBLIC COMMENT: None.

(2) PUBLIC COMMENT: None.

(3) PUBLIC COMMENT: None.

(4) PUBLIC COMMENT: None.

(5) PUBLIC COMMENT: None.

(6a/b) PUBLIC COMMENT: Steven Currier asked that a Notice of Special Restrictions be required to assure building will be limited to single-family use.

(7) PUBLIC COMMENT: Mark Gruberg said serious repeated violations here that justify revocation.

Barry Taranto asked that Board overrule revocation because appellant has driven and has sincerely apologized for violations; at least reduce penalty to a suspension.

Dan Hinds said appellant has been fulfilling the requirements and that he is an excellent driver.

(8) PUBLIC COMMENT: Mark Gruberg said revocation should be upheld because of the serious violations of regulation and the falsification of waybills.

(9) PUBLIC COMMENT: None.

(10) PUBLIC COMMENT: None.

(11) PUBLIC COMMENT: None.

(12) PUBLIC COMMENT: None.

(13) PUBLIC COMMENT: Roderic Cranston said the first four modifications are minor and he noted that Fred Bullock was not a party to the agreement while the project has the full support of the neighbors.

Joanne Nelson agreed with above. Gus Nelson said modifications have no impact and the wall is O.K. too.

David Mast said the project should be approved.

John Moretto said it is obvious modifications are minimal changes.
Gary Beuschel doesn't know why anyone objects.

Robert Hogan said the two issues are quality of life and reasonableness.

Ronald Slayen said the parties after much negotiation reached an agreement and now the appellant asks for items that go beyond agreement.

Anna Stone read a letter by Mr. Lotz who wrote no option to change plans that were agreed to.

Philip Berg said a deal is a deal.

(14) PUBLIC COMMENT: None.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 9, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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11-07-05A10-06

(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 3412 – 22nd Street aka 994 Guerrero Street. Appeal No(s). 05-111, Reed vs. DBI, decided September 21, 2005. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the suspension of the subject permit, with a finding that the medical cannabis use is not suitable for this location, on condition that the dispensary relocate as soon as legally possible and in anyway within 6 months, on condition that the Zoning Administrator's conditions (dated Sept. 15, 2005) be implemented, and with a further finding that there is no intention to infer inappropriate business practices or anything that would negatively impact the appellant's right to obtain necessary permits under new legislation for medical dispensaries (BOS File No. 051-250).

(3b) REHEARING REQUEST:

Subject property at 1301 – 18th Street. Letter from Marwon Halteh, agent for Elias Han Han, appellant, requesting rehearing of Appeal No(s). 05-091, Han Han dba "New Potrero Market vs. DPH", decided July 27, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the Dept. of Public Health's 45-day suspension, and instead impose a 10-day suspension.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 900 Ulloa Street and 290 Lenox Way. Permit issued on Nov. 2, 2004. Last day to appeal was Nov. 17, 2004. Jurisdiction request received on Sept. 8, 2005. Letter from Florence Fung, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/03/10/8279S. Permit Holder(s): City & County of San Francisco. Project: remodel of and addition to a 6,786sf public library (West Portal branch).

(3d) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 733 DeHaro Street. Permit issued on June 13, 2005. Last day to appeal was June 28, 2005. Jurisdiction request received on October 20, 2005. Letter from John Wagner, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/10/26/7768S. Permit Holder(s): Nicole Jarotzky. Project: on single-family house, addition of partial 2nd floor; addition at 1st floor to accommodate a garage; interior remodeling.

(4) APPEAL NO. 05-119

JOHN RITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	333 Greenwich Street. Appealing the denial on July 11, 2005, of Permit to Alter a Building (on 6-unit apartment building: merge units #3 and #4 into one unit; remove one kitchen in studio and convert kitchen to bedroom; convert one bedroom to dining room and other changes shown on drawings; no structural work; work includes partitions and finishes). APPLICATION NO. 2005/03/01/6477S. PUBLIC HEARING HELD & CLOSED ON OCTOBER 5, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow Commissioner Garcia to participate in the final vote.**

(5) APPEAL NO. 05-131

7-ELEVEN NO. 33434A, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	711 Market Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 03-05-269. FOR HEARING TODAY.

(6) **APPEAL NO. 05-132**

7-ELEVEN NO. 23342E, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3080 San Jose Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 05-05-268. FOR HEARING TODAY.

(7) **APPEAL NO. 04-203**

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for suspension: the Planning Dept. believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's policies. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

(8) **APPEAL NO. 05-075**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Baker Street. Protesting the issuance on April 12, 2005, to Hassan Kangarloo, Permit to Alter a Building (on 13-unit residential/tourist hotel: change of occupancy class only, to single-family dwelling; no construction to take place on property; all drawings are shown "as-built"; building has full sprinkler suppression system). APPLICATION NO. 2005/04/12/9782. FOR HEARING TODAY.

(9) **APPEAL NO. 05-149**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	538 Laidley Street. Protesting the issuance on August 24, 2005, to Kenneally Construction, Permit to Demolish a Building (one-story single-family house with 700sf of ground floor area). APPLICATION NO. 2005/08/24/1170. FOR HEARING TODAY.

(10) **APPEAL NO. 05-158**

EDDY & ANITA MAMOUN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1294 Union Street. Protesting the issuance on September 12, 2005, to David Lichman & Margaret Mak, Permit to Alter a Building (on single-family house: revisions to BPA No. 2005/06/22/5759; to show additional framing, existing and proposed roof heights, new barbecue and glass railing locations). APPLICATION NO. 2005/09/12/2556. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **November 3rd, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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Board of Appeals >> Hearing Information

Board of Appeals

November 09, 2005

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 9, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Andy Segal; David Diepenbrock; Joe Elford.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 3412 – 22nd Street aka 994 Guerrero Street. Appeal No(s). 05-111, Reed vs. DBI, decided September 21, 2005. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the suspension of the subject permit, with a finding that the medical cannabis use is not suitable for this location, on condition that the dispensary relocate as soon as legally possible and in anyway within 6 months, on condition that the Zoning Administrator's conditions (dated Sept. 15, 2005) be implemented, and with a further finding that there is no intention to infer inappropriate business practices or anything that would negatively impact the appellant's right to obtain necessary permits under new legislation for medical dispensaries (BOS File No. 051-250).

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to reschedule the matter to Dec. 14, 2005 at the request of the OCA.

SPEAKERS: None.

(3b) REHEARING REQUEST:

Subject property at 1301 – 18th Street. Letter from Marwon Halteh, agent for Elias Han Han, appellant, requesting rehearing of Appeal No (s). 05-091, Han Han dba "New Potrero Market vs. DPH", decided July 27, 2005. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Vice President Saunders absent) to overrule the Dept. of Public Health's 45-day suspension, and instead impose a 10-day suspension.

ACTION: Withdrawn by appellant/requestor.

SPEAKERS: None.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject Property at 900 Ulloa Street and 290 Lenox Way. Permit issued on Nov. 2, 2004. Last day to appeal was Nov. 17, 2004. Jurisdiction request received on Sept. 8, 2005. Letter from Florence Fung, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/03/10/8279S. PermitHolder(s): City & County of San Francisco. Project: remodel of and addition to a 6,786sf public library (West Portal branch).

ACTION: Upon motion by Vice President Fung, the Board voted 4-0 to recuse President Sugaya. Afterwards, upon motion by Commissioner Knox, the Board voted 4-0-1 (President Sugaya recused) to deny the jurisdiction request.

SPEAKERS: Florence Fung, requestor; Marilyn Thompson, for the SF

Public Library.

(3d) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject Property at 733 DeHaro Street. Permit issued on June 13, 2005. Last day to appeal was June 28, 2005. Jurisdiction request received on October 20, 2005. Letter from John Wagner, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2004/10/26/7768S. PermitHolder(s): Nicole Jarotzky. Project: on single-family house, addition of partial 2nd floor; addition at 1st floor to accommodate a garage; interior remodeling.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to deny the jurisdiction request.

SPEAKERS: John Wagner, requestor; Alex Jarotsky, co-permit holder; Laurence Kornfield, DBI.

(4) **APPEAL NO. 05-119**

JOHN RITT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	333 Greenwich Street. Appealing the denial on July 11, 2005, of Permit to Alter a Building (on 6-unit apartment building: merge units #3 and #4 into one unit; remove one kitchen in studio and convert kitchen to bedroom; convert one bedroom to dining room and other changes shown on drawings; no structural work; work includes partitions and finishes). APPLICATION NO. 2005/03/01/6477S. PUBLIC HEARING HELD & CLOSED ON OCTOBER 5, 2005. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow Commissioner Garcia to participate in the final vote.**

ACTION: Upon motion by Commissioner Knox, the Board voted 4-1 (President Sugaya dissented) to overrule the denial and grant the permit.

SPEAKERS: Lawrence Badiner, ZA.

(5) APPEAL NO. 05-131

7-ELEVEN NO. 33434A, Appellant (s) vs. DEPT. OF PUBLIC HEALTH, Respondent	711 Market Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 03-05-269. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(6) APPEAL NO. 05-132

7-ELEVEN NO. 23342E, Appellant (s) vs. DEPT. OF PUBLIC HEALTH, Respondent	3080 San Jose Avenue. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 13, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 05-05-268. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(7) APPEAL NO. 04-203

KEN PAGE & VINCENT LEGER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	21 Buena Vista East Avenue. Appealing a Permit Suspension Request dated December 14, 2004, addressed to Dept. of Building Inspection Acting Director Jim Hutchinson, requesting that all building permits at the subject property be suspended. Reasons for

	suspension: the Planning Dept. believes the owners have pursued a "serial permitting" strategy to effectively convert the home in question from 14 guest rooms and one dwelling unit into a single-family dwelling without proper public notification and in contradiction of the Planning Commission's policies. APPLICATION NOS. 2004/02/27/7379, 2004/02/27/7382, 2004/06/28/7501 & 2004/06/28/7503. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(8) **APPEAL NO. 05-075**

PAT BUSCOVICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2201 Baker Street. Protesting the issuance on April 12, 2005, to Hassan Kangarloo, Permit to Alter a Building (on 13-unit residential/tourist hotel: change of occupancy class only, to single-family dwelling; no construction to take place on property; all drawings are shown "as-built"; building has full sprinkler suppression system). APPLICATION NO. 2005/04/12/9782. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(9) **APPEAL NO. 05-149**

IAN HADDOW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	538 Laidley Street. Protesting the issuance on August 24, 2005, to Kenneally Construction, Permit to Demolish a Building (one-story

PLANNING DEPT. APPROVAL	single-family house with 700sf of ground floor area). APPLICATION NO. 2005/08/24/1170. FOR HEARING TODAY.

ACTION: Permit withdrawn by the Dept. of Building Inspection (DBI).

SPEAKERS: Laurence Kornfield, DBI; Ian Haddow, appellant.

(10) **APPEAL NO. 05-158**

EDDY & ANITA MAMOUN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1294 Union Street. Protesting the issuance on September 12, 2005, to David Lichman & Margaret Mak, Permit to Alter a Building (on single-family house: revisions to BPA No. 2005/06/22/5759; to show additional framing, existing and proposed roof heights, new barbecue and glass railing locations). APPLICATION NO. 2005/09/12/2556. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to uphold the permit.

SPEAKERS: Laurence Kornfield, DBI; Lawrence Badiner, ZA; appellant did not appear.

There being no further business, President Sugaya adjourned the meeting at 6:25 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES, PUBLIC COMMENT – NOVEMBER 09, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

ITEMS:

(1) PUBLIC COMMENT: Andy Segal expressed concerns about dispensary and its ability to move out of neighborhood.

David Diepenbrock spoke for neighborhood coalition and asked that six-month moving requirement be incorporated into Board's findings for Green Cross appeal.

(2) PUBLIC COMMENT: None.

(3a to d) PUBLIC COMMENT: None.

(4) PUBLIC COMMENT: None.

(5) PUBLIC COMMENT: None.

(6) PUBLIC COMMENT: None.

(7) PUBLIC COMMENT: None.

(8) PUBLIC COMMENT: None.

(9) PUBLIC COMMENT: None.

(10) PUBLIC COMMENT: None.

Board of Appeals

November 16, 2005 (No Meeting)

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for November 16th or November 23rd, 2005. The next regular meeting is scheduled for **Wednesday, November 30th, 2005, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **Nov. 10th, 2005**

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 30, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

ITEM A: Discussion and adoption of procedures for amending the rules of the Board. Board rules are posted on the Board website, www.sfgov.org/boa, and are available at the front counter of the Board of Appeals, 1660 Mission Street, Room 3036.

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(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 586 Lisbon Street. Appeal No(s). 05-106/107, O'Neill vs. DBI, PCD, decided November 2nd, 2005. At that time, upon motion by Commissioner Garcia, the Board voted to overrule the denial of the demolition permit and the site permit, with adoption of revised plans as presented to the Board on Nov. 2nd, 2005. Project: demolish a 2-story single family house with 1200sf of ground floor area, BPA No. 2002/06/12/8820; and erect a 3-story single family house with 1220sf of ground floor area, BPA No. 2002/06/12/8815S.

(3b) JURISDICTION REQUEST:

Settlement Agreement between Veterans Cab Co. & the Taxi Commission. Settlement signed on October 27, 2005. Letter from Mark Gruberg, agent for United Taxicab Workers, requestor(s), asking that the Board take jurisdiction over this settlement agreement concerning 25 taxi medallions held by Veteran's Cab Co. (Medallion Nos. 193, 194, 204, 205, 209, 210, 213 - 216, 220, 222 - 230, 236, 240, 248, 249 and 275.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 839 Rutland Street. Permit issued on October 24, 2005. Last day to appeal was November 8, 2005. Jurisdiction request received on November 14, 2005. Letter from Thomas Drohan, attorney for Marta Ortiz, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/10/24/6379. Permit Holder(s): Teresa Tellerico. Project: on single-family house, remove non-permitted illegal kitchen at garage level and restore back to legal social room; remove stove, sink and cabinets; all walls remain.

(4) APPEAL NO. 05-137

ROBERT V. CUEVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1636-1638 Great Highway. Appealing the imposition of penalty on August 3, 2005, for work done without a permit (response to NOV no. 200558996; demolish illegal 3rd dwelling unit on ground floor; remove kitchen and bathroom and provide for permitting of storage rooms). APPLICATION NO. 2005/07/27/8735. FOR HEARING TODAY.

(5) APPEAL NO. 05-165

THANH NGO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	45 Country Club Drive. Protesting the issuance on September 14, 2005, to Eddie Wan, Site Permit to Alter a Building (on single-family house: 2-story horizontal rear addition; ground floor, play room and office; 2nd floor, master bedroom with full bath). APPLICATION NO. 2004/12/21/1871S. FOR HEARING TODAY.

(6) APPEAL NO. 05-161

ADNAN ZOUBI dba "CENTRAL HAIGHT MARKET", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1301 Haight Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on September 14, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. 05-05-303. FOR HEARING TODAY.

(7) **APPEAL NO. 05-166**

HOWARD CARTMILL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 4, 2005, of Driver of Public Passenger Vehicle for Hire Permit (P44) due to non-payment of fees. PERMIT (A-CARD) NO. 051715. FOR HEARING TODAY.

(8) **APPEAL NO. V04-199**

STANLEY ANASTASIO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit building into the required rear yard). VARIANCE CASE NO. 2004.0408V. JURISDICTION GRANTED OCT. 19, 2005. FOR HEARING TODAY.

(9) **APPEAL NO. 05-098**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2240 Lombard Street. Appealing a determination dated May 24, 2005, addressed to Jacky Yan at Fortune America Inc. (New Subject Property Owners Simon Kwan et al.) concerning the legal status of the general advertising sign currently located on the west wall of the subject property. FOR HEARING TODAY.

(10) **APPEAL NO. V05-160**

CHARLES TRAPOLIN & STANLEY MORRIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	634 – 30th Street. Protesting the granting on September 15, 2005, to Jochen & Ilsook Backs, Front Setback Variance (project is to construct a maximum 6 foot 6 inch tall retaining wall with a 3 foot tall open fence above). VARIANCE CASE NO. 2004.1107V. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **November 16th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
KATHARINE ALBRIGHT	**COMMISSIONER**
MICHAEL GARCIA	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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Board of Appeals

November 30, 2005

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 30, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Jonas Ionin, Senior Planner, Planning Department (PD); Laurence Kornfield, Chief Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) **PUBLIC COMMENT:**

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SPEAKERS: David Pilpel.

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(2) **COMMISSIONERS COMMENTS & QUESTIONS**

ITEM A: Discussion and adoption of procedures for amending the rules of the Board. Board rules are posted on the Board website, www.sfgov.org/boa, and are available at the front counter of the Board of Appeals, 1660 Mission Street, Room 3036.

ACTION: Board directed staff to schedule a general workshop on amending the Board rules.

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 586 Lisbon Street. Appeal No(s). 05-106/107, O'Neill vs. DBI, PCD, decided November 2nd, 2005. At that time, upon motion by Commissioner Garcia, the Board voted to overrule the denial of the demolition permit and the site permit, with adoption of revised plans as presented to the Board on Nov. 2nd, 2005. Project: demolish a 2-story single family house with 1200sf of ground floor area, BPA No. 2002/06/12/8820; and erect a 3-story single family house with 1220sf of ground floor area, BPA No. 2002/06/12/8815S.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to adopt the findings.

SPEAKERS: None.

(3b) JURISDICTION REQUEST:

Settlement Agreement between Veterans Cab Co. & the Taxi Commission. Settlement signed on October 27, 2005. Letter from Mark Gruberg, agent for United Taxicab Workers, requestor(s), asking that the Board take jurisdiction over this settlement agreement concerning 25 taxi medallions held by Veteran's Cab Co. (Medallion Nos. 193, 194, 204, 205, 209, 210, 213 - 216, 220, 222 - 230, 236, 240, 248, 249 and 275.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to reschedule the matter to December 7, 2005.

SPEAKERS: None.

(3c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 839 Rutland Street. Permit issued on October 24, 2005. Last day to appeal was November 8, 2005. Jurisdiction request received on November 14, 2005. Letter from Thomas Drohan, attorney for Marta Ortiz, requestor(s), asking that the Board take jurisdiction over Building Permit Application No. 2005/10/24/6379. Permit Holder(s): Teresa Tellerico. Project: on single-family house, remove non-permitted illegal kitchen at garage level and restore back

to legal social room; remove stove, sink and cabinets; all walls remain.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: Thomas Drohan, attorney for requestor; Daniel Piccinini, attorney for permit holder; Teresa Tellerico, permit holder; Dalia Liang, agent for requestor.

(4) APPEAL NO. 05-137

ROBERT V. CUEVA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1636-1638 Great Highway. Appealing the imposition of penalty on August 3, 2005, for work done without a permit (response to NOV no. 200558996; demolish illegal 3rd dwelling unit on ground floor; remove kitchen and bathroom and provide for permitting of storage rooms). APPLICATION NO. 2005/07/27/8735. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to uphold the penalty.

SPEAKERS: Laurence Kornfield, DBI; appellant did not appear.

(5) APPEAL NO. 05-165

THANH NGO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	45 Country Club Drive. Protesting the issuance on September 14, 2005, to Eddie Wan, Site Permit to Alter a Building (on single-family house: 2-story horizontal rear addition; ground floor, play room and office; 2nd floor, master bedroom with full bath). APPLICATION NO. 2004/12/21/1871S. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the permit.

SPEAKERS: Thanh Ngo, appellant; Johnson Hor, attorney for appellant; Joseph Bonkowski, for appellant; Thomas Ngai, Richard Chan, and Leslie Zamarripa, for permit holder; Laurence Kornfield, DBI.

(6) **APPEAL NO. 05-161**

ADNAN ZOUBI dba “CENTRAL HAIGHT MARKET”, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1301 Haight Street. Appealing a 45-day suspension of a Tobacco Product Sales Establishment Permit, imposed on September 14, 2005. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR’S CASE NO. 05-05-303. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(7) **APPEAL NO. 05-166**

HOWARD CARTMILL, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 4, 2005, of Driver of Public Passenger Vehicle for Hire Permit (P44) due to non-payment of fees. PERMIT (A-CARD) NO. 051715. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to overrule the revocation on condition that all fees and penalties be paid.

SPEAKERS: None. Taxi Commission consented.

(8) **APPEAL NO. V04-199**

STANLEY ANASTASIO, Appellant (s) vs. ZONING ADMINISTRATOR, Respondent	1314-1316 – 7th Avenue. Appealing the denial on December 9, 2004, of Rear Yard Variance (proposal is to expand the ground/garage level of the three-story, two-unit

	building into the required rear yard). VARIANCE CASE NO. 2004.0408V. JURISDICTION GRANTED OCT. 19, 2005. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the denial.

SPEAKERS: Jonas Ionin, PD; Jeremy Paul, agent for appellant; Cathy Cohn, Darcy Cohn, and Spencer Seidman, for ZA.

(9) **APPEAL NO. 05-098**

VIACOM OUTDOOR, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2240 Lombard Street. Appealing a determination dated May 24, 2005, addressed to Jacky Yan at Fortune America Inc. (New Subject Property Owners Simon Kwan et al.) concerning the legal status of the general advertising sign currently located on the west wall of the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the determination.

SPEAKERS: Jonas Ionin, PD; Anthony Leones, attorney for appellant.

(10) **APPEAL NO. V05-160**

CHARLES TRAPOLIN & STANLEY MORRIS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	634 – 30th Street. Protesting the granting on September 15, 2005, to Jochen & Ilsook Backs, Front Setback Variance (project is to construct a maximum 6 foot 6 inch tall retaining wall with a 3 foot tall open fence above). VARIANCE CASE NO. 2004.1107V. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to uphold the variance.

SPEAKERS: Stephen Lightfoot, attorney for appellants; Tony Kim, agent for variance holders; Stanley Morris, co-appellant; Jonas Ionin, PD.

There being no further business, President Sugaya adjourned the meeting at 8:55 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES, PUBLIC COMMENT – NOVEMBER 30, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

ITEMS:

(1) PUBLIC COMMENT: David Pilpel requested more effective enforcement of Board suspension of appealed permits.

(2) PUBLIC COMMENT: None.

(3a to c) PUBLIC COMMENT: None.

(4) PUBLIC COMMENT: None.

(5) PUBLIC COMMENT: Joseph Bonkowski spoke for group working on neighborhood design guidelines, analyzed project in light of window requirements under guidelines, which require obscure glass and certain sill heights that project fails to meet.

Thomas Ngai said plans comply with all codes.

Richard Chan supports permit holder because he came to him unsolicited to explain the project and listened to his comments.

Leslie Zamarripa for permit holder because he solicited her in-put and incorporated her suggested revisions into his plans.

(6) PUBLIC COMMENT: None.

(7) PUBLIC COMMENT: None.

(8) PUBLIC COMMENT: Cathy Cohn said application fails to meet all five requirements

that must be met for granting a variance and will result in a degradation of open space needed in this neighborhood and deck will invade privacy of neighbors.

Darcy Cohn submitted photos showing present conditions of site. She said approval would set bad precedent threatening neighborhood. Appellant knew situation when he purchased the property and any hardship is self induced.

Spencer Seidman supports the General Plan and he and people on his petition oppose variance because project doesn't comply with general plan and commercial space could be used for additional parking without using precious open spaces.

(9) PUBLIC COMMENT: None.

(10) PUBLIC COMMENT: None.

Board of Appeals

December 07, 2005

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 7, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

(3) **CLOSED SESSION ON ANTICIPATED LITIGATION:**

A. Public comment on all matters pertaining to the closed session.

B. Vote on whether to hold closed session to confer with legal counsel regarding threatened litigation relating to Veterans Taxicab Co. (SF Administrative Code § 67.10(d).)

C. Conference with legal counsel in closed session. (CA Gov't. Code §§ 54956.9(b)(1); SF Administrative Code § 67.10(d)(2).) On possible case as defendant.

D. Reconvene in open session:

1. Possible report on action taken in closed session and the vote thereon.
(CA Government Code § 54957.1(a)(3); SF Administrative Code § 67.12(b).)
2. Vote to elect whether to disclose any or all discussions held in closed session.
(SF Administrative Code § 67.12(a).)

(4) **ADDENDUM ITEM:**

(4a) **JURISDICTION REQUEST:**

Settlement Agreement between Veterans Cab Co. & the Taxi Commission. Settlement signed on October 27, 2005. Letter from Mark Gruberg, agent for United Taxicab Workers, requestor(s), asking that the Board take jurisdiction over this settlement agreement concerning 25 taxi medallions held by Veteran's Cab Co. (Medallion Nos. 193, 194, 204, 205, 209, 210, 213 - 216, 220, 222 - 230, 236, 240, 248, 249 and 275.

(5) **APPEAL NO. 05-138**

FALKO STRUNZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Shotwell Street. Protesting the issuance on July 26, 2005, to George Quellette, Permit to Alter a Building (on 6-unit apartment building: remove illegal occupancy in basement per NOV; remove illegal plumbing work; remove illegal electrical work). APPLICATION NO. 2005/07/26/8665. PUBLIC HEARING HELD & CLOSED ON SEPT. 21, 2005. **Note: Matter continued to allow time for appellant to relocate, and with DBI to conduct a site visit for imminent life/safety issues.**

(6) **APPEAL NO. 05-142**

TOM McDONALD, Appellant(s) vs.	1140 Potrero Avenue. Appealing the denial on August

DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	16, 2005, of Permit to Demolish a Building (2-story single-family house). APPLICATION NO. 2004/07/23/9615. FOR HEARING TODAY.

(7) APPEAL NO. 05-167

BAY CAB COMPANY, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing a Notice of Decision dated September 26, 2005, that orders the payment of all fines, abatement of all violations within 3 months, and the imposition of a 1-year probation. RESOLUTION NO. 2005-60. FOR HEARING TODAY.

(8) APPEAL NO. 05-169

CLEMENT ANGELI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 4, 2005, of Driver of Public Passenger Vehicle for Hire Permit (P44) due to non-payment of fees. PERMIT (A-CARD) NO. 045978. FOR HEARING TODAY.

(9) APPEAL NO. 05-134

SIERRA INDUSTRIES WEST LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	290 Division Street. Appealing a Notice of Violation dated July 14, 2005, addressed to Sierra Industries West LP, that B.P.A. No. 2002/10/17/9237 for a general advertising sign at the subject property was issued in error, that the sign constructed pursuant to this BPA was

	constructed on the roof instead of the exterior wall, that a second sign has been constructed on the roof, and that both roof signs are visible from the freeway, in violation of Planning Code §§ 175, 608.5, & 611. FOR HEARING TODAY.

(10) **APPEAL NO. 05-168**

SUSAN PAYNE & ARISA FULLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	244 – 6th Avenue. Protesting the issuance on September 27, 2005, to Jing Jie He, Permit to Alter a Building (on 2-unit building: replace unsound stair and replace stone with stucco per plan). APPLICATION NO. 2005/09/27/3928. FOR HEARING TODAY.

(11) **APPEAL NO. 05-170**

CLAUDELL LE BLANC, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	22 Roanoke Street. Appealing the denial on October 12, 2005, Permit to Alter a Building (on 2-unit building: renovate façade; new windows; new deck on existing 1-story roof at rear; replace existing back stairs; remodel kitchen and bathroom in both units; new 1-hour corridor in garage to lower unit; plumbing and electrical work under separate permits). APPLICATION NO. 2005/08/08/9749. FOR HEARING TODAY.

(12) **APPEAL NO. 05-171**

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. FOR HEARING TODAY.

ITEMS (13A) & (13B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-172**

MONIO PILPEL, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	317 Sloat Boulevard (Vacant Lots at SW corner of 19th Avenue & Sloat Boulevard). Protesting the issuance on October 19, 2005, to City Ranch / Emerald Forest, Temporary Use Permit (open-air sale of agricultural products for seasonal decoration, including pumpkins). FOR HEARING TODAY.

(13B) **APPEAL NO. 05-192**

MONIO PILPEL, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	317 Sloat Boulevard (Vacant Lots at SW corner of 19th Avenue & Sloat Boulevard). Protesting the issuance on October 27, 2005, to City Ranch / Emerald Forest, Temporary Use Permit (open-air sale of Christmas trees). FOR HEARING TODAY.

(14) **APPEAL NO. 05-174**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 5, 2005, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: 1st floor remodel, bedroom and study; 2nd & 3rd floor remodel, kitchen and bathroom; add new bathrooms (interior remodeling); all work is within the existing envelope of building). APPLICATION NO. 2005/10/05/4858. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **December 1st, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the

Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Board of Appeals

December 07, 2005

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 7, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

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(3) CLOSED SESSION ON ANTICIPATED LITIGATION:

A. Public comment on all matters pertaining to the closed session.

SPEAKERS: None.

B. Vote on whether to hold closed session to confer with legal counsel regarding threatened litigation relating to Veterans Taxicab Co. (SF Administrative Code § 67.10(d).)

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to convene in closed session.

C. Conference with legal counsel in closed session. (CA Gov't. Code §§ 54956.9(b)(1); SF Administrative Code § 67.10(d)(2).) On possible case as defendant.

D. Reconvene in open session:
1. Possible report on action taken in closed session and the vote thereon.
(CA Government Code § 54957.1(a)(3); SF Administrative Code § 67.12(b).)
2. Vote to elect whether to disclose any or all discussions held in closed session.
(SF Administrative Code § 67.12(a).)

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to not disclose the content of discussions held in closed session.

(4) **ADDENDUM ITEM:**

(4a) **JURISDICTION REQUEST:**

Settlement Agreement between Veterans Cab Co. & the Taxi Commission. Settlement signed on October 27, 2005. Letter from Mark Gruberg, agent for United Taxicab Workers, requestor(s), asking that the Board take jurisdiction over this settlement agreement concerning 25 taxi medallions held by Veteran's Cab Co. (Medallion Nos. 193, 194, 204, 205, 209, 210, 213 - 216, 220, 222 - 230, 236, 240, 248, 249 and 275.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Knox dissented) to grant the jurisdiction request.

SPEAKERS: Mark Gruberg, agent for requestor; Tom Owen, deputy city attorney for Taxi Commission; Wayne Canterbury, attorney for Veterans Cab Co.

(5) **APPEAL NO. 05-138**

FALKO STRUNZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	121 Shotwell Street. Protesting the issuance on July 26, 2005, to George Quellette, Permit to Alter a Building (on 6-unit apartment building: remove illegal occupancy in basement per NOV; remove illegal plumbing work; remove illegal electrical work). APPLICATION NO. 2005/07/26/8665. PUBLIC HEARING HELD & CLOSED ON SEPT. 21, 2005. **Note: Matter continued to allow time for appellant to relocate, and with DBI to conduct a site visit for imminent life/safety issues.**

ACTION: Upon motion by Commissioner Albright, the Board voted 5-0 to continue the matter to February15, 2006.

SPEAKERS: Tom Corbett, agent for permit holder; Leo McFadden, DBI.

(6) APPEAL NO. 05-142

TOM McDONALD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	1140 Potrero Avenue. Appealing the denial on August 16, 2005, of Permit to Demolish a Building (2-story single-family house). APPLICATION NO. 2004/07/23/9615. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-1 (Vice President Fung dissented) to uphold the denial.

SPEAKERS: Lawrence Badiner, ZA; CJ Higley, attorney for appellant; Pat Buscovich, agent for appellant; Jesus Gomez, Diana Gomez, Joe Butler, Sonia Gomez-Rexelius, Jose Morales, and Sue Hestor, for Planning Commission; Christina Chang, Kelton Finney, and Arturo Alcantar, for appellant.

(7) APPEAL NO. 05-167

BAY CAB COMPANY, Appellant(s) vs.	Appealing a Notice of Decision dated September 26, 2005, that

TAXI COMMISSION, Respondent	orders the payment of all fines, abatement of all violations within 3 months, and the imposition of a 1-year probation. RESOLUTION NO. 2005-60. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to Jan. 25, 2006 at the written request of the parties.

SPEAKERS: None.

(8) **APPEAL NO. 05-169**

CLEMENT ANGELI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on October 4, 2005, of Driver of Public Passenger Vehicle for Hire Permit (P44) due to non-payment of fees. PERMIT (A-CARD) NO. 045978. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to overrule the revocation on condition that all fees and penalties be paid.

SPEAKERS: None. Taxi Commission consented.

(9) **APPEAL NO. 05-134**

SIERRA INDUSTRIES WEST LP, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	290 Division Street. Appealing a Notice of Violation dated July 14, 2005, addressed to Sierra Industries West LP, that B.P.A. No. 2002/10/17/9237 for a general advertising sign at the subject property was issued in error, that the sign constructed pursuant to this BPA was constructed on the roof instead of the exterior wall, that a second sign has been constructed on the roof, and that both roof signs are visible from the freeway, in violation of

	Planning Code §§ 175, 608.5, & 611. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(10) **APPEAL NO. 05-168**

SUSAN PAYNE & ARISA FULLER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	244 – 6th Avenue. Protesting the issuance on September 27, 2005, to Jing Jie He, Permit to Alter a Building (on 2-unit building: replace unsound stair and replace stone with stucco per plan). APPLICATION NO. 2005/09/27/3928. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to reschedule the matter to Jan. 11, 2006 at the written request of the parties.

SPEAKERS: None.

(11) **APPEAL NO. 05-170**

CLAUDELL LE BLANC, Appellant (s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	22 Roanoke Street. Appealing the denial on October 12, 2005, Permit to Alter a Building (on 2-unit building: renovate façade; new windows; new deck on existing 1-story roof at rear; replace existing back stairs; remodel kitchen and bathroom in both units; new 1-hour corridor in garage to lower unit; plumbing and electrical work under separate permits). APPLICATION NO. 2005/08/08/9749. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5-0 to overrule the denial, and grant the permit with a finding that to the extent there is an expansion of the living space, it is only subsidiary to the required access to that living space.

SPEAKERS: Lawrence Badiner, ZA; Richard Lee Smith, agent for appellant.

(12) **APPEAL NO. 05-171**

YUE ZHEN OU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	260 Kearny Street. Appealing a Health Permit Zoning Referral, dated July 20, 2005, addressed to Yue Zhen Ou, which disapproves the proposed massage establishment use because such use is not permitted within the C-3-O (Downtown Office) zoning district under § 218.1 of the Planning Code. JURISDICTION GRANTED OCT. 5, 2005. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to continue the matter to Jan. 25, 2006, with the public hearing closed.

SPEAKERS: Lawrence Badiner, ZA; Edward Hung, attorney for appellant.

ITEMS (13A) & (13B) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-172**

MONIO PILPEL, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	317 Sloat Boulevard (Vacant Lots at SW corner of 19th Avenue & Sloat Boulevard). Protesting the issuance on October 19, 2005, to City Ranch / Emerald Forest, Temporary Use Permit (open-air sale of agricultural products for seasonal decoration, including pumpkins). FOR HEARING TODAY.

(13B) **APPEAL NO. 05-192**

MONIO PILPEL, Appellant(s) vs. PLANNING DEPARTMENT, Respondent	317 Sloat Boulevard (Vacant Lots at SW corner of 19th Avenue & Sloat Boulevard). Protesting the issuance on October 27, 2005, to City Ranch / Emerald Forest, Temporary Use Permit (open-air sale of Christmas trees). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold both permits with the following conditions: a) that the expiration date of the permit shall be 60 days from issuance; b) with adoption of Supervisor Elsbernd's conditions (letter dated November 28, 2005; attached); c) with recordation of a Notice of Special Restrictions (NSR) consisting of Supervisor Elsbernd's conditions (except Condition No. 4 regarding reimbursement to City and County); d) that said Condition No. 4 be executed by Dec. 31, 2005; e) that the permit holder apply for a fence permit within 10 days of the Board's decision and diligently pursue this permit; and f) that any other violations be cleared prior to requesting any other use authorizations or permits in the future.

SPEAKERS: Monio Pilpel, appellant; David Pilpel, son of appellant; Heddy Pilpel, wife of appellant; Steven Gruel, attorney for permit holder; Cyril Hackett, permit holder; Lawrence Badiner, ZA; Leo McFadden, DBI; Elaine Brotherton, Claire Hackett, Dan Dunnigan, Michael Moriarty, Nicky O'Brien, Patrick Maguire, Tom Minaidis, and John Shanley, for permit holder; Sid Cooper, Andrew Lipsett, Edgar Lehmann, Vincent Blake, and Walter Krum, for appellant.

(14) **APPEAL NO. 05-174**

BING CHEUK LAW, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	227-229 – 7th Avenue. Protesting the issuance on October 5, 2005, to Mikhail Kurgatnikov, Permit to Alter a Building (on 2-unit building: 1st floor remodel, bedroom and study; 2nd & 3rd floor remodel, kitchen and bathroom; add new bathrooms (interior remodeling); all work is within the existing envelope of building). APPLICATION NO. 2005/10/05/4858. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5-0 to continue the matter to February 22, 2006, with the public hearing closed.

SPEAKERS: Harold Darling, agent for appellant; Bing Law, appellant, via translator Shui-Lan Lee; Daniel Bornstein, attorney for permit holder; Michael Hom, agent for permit holder; Leo McFadden, DBI; Lawrence Badiner, ZA; Gerald Hung, Leon Low, Edwin Lindo, Xu Sheng Jia (via translator Sophia Hung), for appellant.

There being no further business, President Sugaya adjourned the meeting at 10:35 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES, PUBLIC COMMENT – DECEMBER 07, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

ITEMS:

(1) PUBLIC COMMENT: None.

(2) PUBLIC COMMENT: None.

(3) PUBLIC COMMENT: Mark Guberg spoke against a closed session with deputy city attorney to discuss his request for jurisdiction.

(4) PUBLIC COMMENT: None.

(5) PUBLIC COMMENT: None.

(6) PUBLIC COMMENT: Jesus Gomez fixed up his house and a new owner can do this one.

Diana Gomez said house is in sound condition and suitable for a family and appellant has just reorganized figures in soundness report to justify demolitions.

Joseph Butler was built legally and can be rehabilitated now.

Jose Morales said the foundation is safe and affordable housing is in short supply and should be preserved.

Sue Hestor said this is a potential historic district and project hasn't been evaluated with that in mind; and foundation is legal under code and acceptable to DBI and Planning.

Arturo Alcantar said houses in neighborhood need to be saved.

Sonia Gomez said demolition is not justified.

Christina Chang said present foundation is not adequate and new one is needed.

Kelton Finney said the foundation curb is crumbling and can't support the house safely because it is failing.

(7) PUBLIC COMMENT: None.

(8) PUBLIC COMMENT: None.

(9) PUBLIC COMMENT: None.

(10) PUBLIC COMMENT: None.
(11) PUBLIC COMMENT: None.

(12) PUBLIC COMMENT: None.

(13a/b) PUBLIC COMMENT: Sid cooper said lots are not clean while not being used to sell pumpkins and Christmas trees.

Edgar Lehmann said permit holder should keep lots clean all year long.

Vincent Blake objects to unsightly condition of lots after sales are over.

Walter Krum said the present use creates bad traffic hazard because the heavy traffic at the 19th Avenue corner and lots have been a mess for years.

Elaine Brotherton said Hacketts are good family who operate a business that improves the area. Several departments approved the use and Planning failed to check this and permit holder hasobeyed all the laws.

Dan Dunnigan said for use because it has been part of area for year without complaint until now.

Michael Moriarity said permit holder does great job for the community for many years and kids love it.

Patrick Maguire said permit holder does clean up the lot between times of sales.

Nick O'Brien said pumpkin and tree sales are important part of the neighborhood life, closing them down would be a shame since appeal lacks any substance.

Sid Cooper said lots are not kept clean.

Andrew Lipsett said permit holder should follow the law and keep lots clean.

Tom Miraidis has been selling pumpkins and trees to permit holder for years and he said there is no sales tax on sale of pumpkins and taxes for trees are paid as required by permit holder.

John Shanley said the sales should be allowed since use is a benefit to neighborhood.

(14) PUBLIC COMMENT: Gerald Hung said there has never been a stair connecting

main floor to basement. Obvious what owner is doing.

Leon Low said fire happened years ago and new owner now doing the work.

Edwin Lindo said the owner just trying to evict the tenants. There is no danger to tenants.

Xu Sheng Jia said the stairs replaced by ladder that can't be used by elderly tenants.

Jose Morales defended tenants against landlord who has been fraudulent since storage rooms have never been bedroom or study which will take storage area from tenants.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 14, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 3412 – 22nd Street aka 994 Guerrero Street. Appeal No(s). 05-111, Reed vs. DBI, decided September 21, 2005. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the suspension of the subject permit, with a finding that the medical cannabis use is not suitable for this location, on condition that the dispensary relocate as soon as legally possible and in anyway within 6 months, on condition that the Zoning Administrator's conditions (dated Sept. 15, 2005) be implemented, and with a further finding that there is no intention to infer inappropriate business practices or anything that would negatively impact the appellant's right to obtain necessary permits under new legislation for medical dispensaries (BOS File No. 051-250).

(4) APPEAL NO. 05-197

KEVIN REED dba "GREEN CROSS", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3400-3420 – 22nd Street aka 994-998 Guerrreo Street. Appealing a Permit Revocation Request, addressed to Dept. of Building Inspection Director Amy Lee, asking that Building Permit Application No(s). 2004/08/26/2632 (which authorizes the operation of a medical cannabis dispensary) be revoked. FOR HEARING TODAY.

(5) ADDENDUM ITEMS CONTINUED:

(5b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 3931 Geary Boulevard. Permit revoked by DPW Bureau of Street Use & Mapping on October 26, 2005. Last day to appeal was November 10, 2005. Jurisdiction request received on November 28, 2005. Letter from Theodoras Koliatisis dba "4th & Geary Farmers Market", requestor(s), asking that the Board take jurisdiction over the revocation of a merchandise display permit (DPW Order No. 175,688; Permit No. 05D-0001).

(5c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Taxi permit (A-card) No. 068767. Permit revoked by Taxi Commission for non-payment of fees on October 4, 2005. Last day to appeal was October 19, 2005. Letter from Tara Housman, requestor(s), asking that the Board take jurisdiction over the Taxi Commission's revocation of the afore-mentioned taxi permit.

(6) APPEAL NO. 05-179

HAYWARD WONG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension (and possible subsequent revocation) on October 12, 2005, of taxi medallion no. 436. RESOLUTION NO. 2005-64. FOR HEARING TODAY.

(7) APPEAL NO. 05-080

CATHERINE SMITH dba "MEDICAL CANNABIS DISPENSARY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	223 – 9th Street. Appealing a determination dated April 15, 2005, addressed to Cathy Smith, that Planning Code § 816.21 requires Conditional Use (CU) authorization for the operation of a medical cannabis dispensary in the South of Market SLR (Service-Light Industrial-Residential) zoning district. FOR HEARING TODAY.

(8) APPEAL NO. 05-176

MARI KAWAGUCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	378 Sussex Street. Protesting the issuance on October 12, 2005, to Andre & Katherine Yousefi, Permit to Alter a Building (on single-family house: 2-story, 555sf rear addition). APPLICATION NO. 2005/04/05/9211. FOR HEARING TODAY.

(9) **APPEAL NO. 05-178**

A.T. HOGAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2170 Pacific Avenue. Protesting the issuance on October 17, 2005, to Barbara Nash, Permit to Alter a Building (on 4-unit condominium building: construct extension to existing deck in rear yard; install a 1 hour fire separation wall along property line). APPLICATION NO. 2005/10/17/5744. FOR HEARING TODAY.

(10) **APPEAL NO. 05-180**

GEORGE HAUSER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	30 Dore Street. Appealing the denial on October 21, 2005, of Permit to Alter a Building (on 42-unit residential building: application to amend site permit no. 2004/08/26/2687S; convert transformer room into SRO unit, thereby adding 1 residential unit; the total residential unit count will be 43 units; the transformer will be relocated to an exterior underground vault located on the property). APPLICATION NO. 2005/07/08/7099. FOR HEARING TODAY.

(11) **APPEAL NO. 05-181**

CITIZENS FOR EQUAL TREATMENT IN THE PERMIT PROCESS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1634-1636 Waller Street. Protesting the issuance on October 13, 2005, Eun Young & Seil James Lee, Permit to Alter a Building (on 2-unit building: add dormers on existing 4th floor family room and rear bedroom; add new bathroom, new skylights and miscellaneous interior remodeling; all work to be done on 4th floor only; dormers to comply with Zoning Administrator bulletin dated June 1, 1996). APPLICATION NO. 2005/10/06/4992. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda. Date posted: **Dec. 8th, 2005**

MEMBERS OF THE BOARD OF APPEALS

HISASHI B. SUGAYA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
MICHAEL GARCIA	COMMISSIONER
RANDALL KNOX	COMMISSIONER

CLAUDINE WOEBER - OFFICIAL COURT REPORTER 415-506-0430; THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 P.M. & WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official

ecord and will be brought to the attention of the Board at the public hearing. For complete distribution to ll Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

ursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or levelopment permit, you may be limited to raising only those issues you or someone else raised at the ublic hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, r prior to, the public hearing.

alendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken ut of order to accommodate special needs. The Board urges all parties to be present in the hearing oom from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when t is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

he ringing of and use of cell phones, pagers and similar sound-producing electronic devices are rohibited at this meeting. Please be advised that the Chair may order the removal from the meeting oom of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-roducing electronic devices.

ACCESSIBILITY INFORMATION

merican sign language interpreters and/or sound enhancement system will be available upon request by ontacting Catherine Johnson at 575-6882 at least 48 hours prior to the hearing. Individuals with severe llergies, environmental illness, multiple chemical sensitivity or related disabilities should call the ccessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to ccommodate such people, attendees at public meetings are reminded that other attendees may be ensitive to various chemical-based products. Please help the City to accommodate these individuals. he closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde nd Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. ccessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega nd the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding UNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

overnment's duty is to serve the public, reaching its decisions in full view of the public. Commissions, oards, councils and other agencies of the City and County exist to conduct the people's business. This rdinance assures that deliberations are conducted before the people and that City operations are open to he people's review.

or more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco dministrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task orce: Adele Destro by mail to Interim Administrator, Sunshine Ordinance Task Force, City Hall, Room 44, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax t (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the unshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco dministrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Claudine Woeber. Please telephone 415-506-0430 for information.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties.

These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
Robert H. Feldman, Executive Secretary
1660 Mission Street, Room 3036
San Francisco, California 94103

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Board of Appeals

December 14, 2005

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 14, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Hisashi Sugaya, Vice President Frank Fung, Commissioner Katharine Albright, Commissioner Michael Garcia, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Lawrence Badiner, Zoning Administrator (ZA); Leo McFadden, Senior Building Inspector, Dept. of Building Inspection (DBI); Robert Feldman, Executive Secretary, and Victor Pacheco, Legal Assistant, for the Board; and Claudine Woeber, Official Court Reporter.

(1) PUBLIC COMMENT:

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

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(2) COMMISSIONERS COMMENTS & QUESTIONS:

SPEAKERS: None.

(3) ADDENDUM ITEMS:

(3a) ADOPTION OF FINDINGS:

Subject property at 3412 – 22nd Street aka 994 Guerrero Street. Appeal No(s). 05-111, Reed vs. DBI, decided September 21, 2005. At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Garcia absent) to uphold the suspension of the subject permit, with a finding that the medical cannabis use is not suitable for this location, on condition that the dispensary relocate as soon as legally possible and in anyway within 6 months, on condition that the Zoning Administrator's conditions (dated Sept. 15, 2005) be implemented, and with a further finding that there is no intention to infer inappropriate business practices or anything that would negatively impact the appellant's right to obtain necessary permits under new legislation for medical dispensaries (BOS File No. 051-250).

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Knox dissented) to adopt the findings as amended.

SPEAKERS: Catharine Barnes, OCA; Joe Elford, attorney for appellant; David Diepenbrock, attorney for neighbors.

(4) APPEAL NO. 05-197

KEVIN REED dba "GREEN CROSS", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3400-3420 – 22nd Street aka 994-998 Guerrreo Street. Appealing a Permit Revocation Request, addressed to Dept. of Building Inspection Director Amy Lee, asking that Building Permit Application No(s). 2004/08/26/2632 (which authorizes the operation of a medical cannabis dispensary) be revoked. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-1 (Commissioner Knox dissented) to uphold the revocation and adopt the findings as amended.

SPEAKERS: Catharine Barnes, OCA; Joe Elford, attorney for appellant; David Diepenbrock, attorney for neighbors; Robyn Few, Michael Aldrich, Elizabeth Bell, Shona Gochenaur, Matthew Pruitt, and Lisa Inhoff, for appellant; Andrew Segal, Charles Moser, Shawna Wolverton, Melva Pante, Blair Moser, and Veronica Gaynor, for Zoning Administrator.

(5) ADDENDUM ITEMS CONTINUED:

(5b) JURISDICTION REQUEST TO ALLOW LATE FILING OF

APPEAL:

Subject property at 3931 Geary Boulevard. Permit revoked by DPW Bureau of Street Use & Mapping on October 26, 2005. Last day to appeal was November 10, 2005. Jurisdiction request received on November 28, 2005. Letter from Theodoras Koliatisis dba "4th & Geary Farmers Market", requestor(s), asking that the Board take jurisdiction over the revocation of a merchandise display permit (DPW Order No. 175,688; Permit No. 05D-0001).

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to continue the matter to January 11, 2006, with the public hearing closed.

SPEAKERS: Yannoula Koliatsis, agent for requestor; John Kwong, DPW BSM; Lawrence Badiner, ZA.

(5c) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Taxi permit (A-card) No. 068767. Permit revoked by Taxi Commission for non-payment of fees on October 4, 2005. Last day to appeal was October 19, 2005. Letter from Tara Housman, requestor (s), asking that the Board take jurisdiction over the Taxi Commission's revocation of the afore-mentioned taxi permit.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to grant the jurisdiction request.

SPEAKERS: Tara Housman, requestor; Heidi Machen, TC; Carl Macmurdo, for requestor.

(6) APPEAL NO. 05-179

HAYWARD WONG, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the suspension (and possible subsequent revocation) on October 12, 2005, of taxi medallion no. 436. RESOLUTION NO. 2005-64. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the suspension.

SPEAKERS: Heidi Machen, TC; Sgt. Vince Simpson, SFPD; Nathan Dwiri, agent for appellant; Charles Rathbone, Carl Macmurdo, and Robert Cesana, for appellant; Mark Gruberg, for TC.

(7) **APPEAL NO. 05-080**

CATHERINE SMITH dba "MEDICAL CANNABIS DISPENSARY", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	223 – 9th Street. Appealing a determination dated April 15, 2005, addressed to Cathy Smith, that Planning Code § 816.21 requires Conditional Use (CU) authorization for the operation of a medical cannabis dispensary in the South of Market SLR (Service-Light Industrial-Residential) zoning district. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

(8) **APPEAL NO. 05-176**

MARI KAWAGUCHI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	378 Sussex Street. Protesting the issuance on October 12, 2005, to Andre & Katherine Yousefi, Permit to Alter a Building (on single-family house: 2-story, 555sf rear addition). APPLICATION NO. 2005/04/05/9211. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 5-0 to uphold the permit.

SPEAKERS: Mari Kawaguchi, appellant; Katherine Yousefi, co-permit holder; Zorana Bosnic, for permit holders; Namie Hiraoka, for appellant; Lawrence Badiner, ZA; A. Thomas Carson, agent for permit holders.

(9) **APPEAL NO. 05-178**

A.T. HOGAN, Appellant(s) vs.	2170 Pacific Avenue. Protesting the issuance on October 17, 2005, to Barbara

DEPT. OF BUILDING INSPECTION, Respondent	Nash, Permit to Alter a Building (on 4-unit condominium building: construct extension to existing deck in rear yard; install a 1 hour fire separation wall along property line). APPLICATION NO. 2005/10/17/5744. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 5-0 to uphold the permit on condition that revised plans be submitted showing the proper deck height.

SPEAKERS: Tina Hogan, appellant; Barbara Nash, permit holder; Leo McFadden, DBI.

(10) **APPEAL NO. 05-180**

GEORGE HAUSER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	30 Dore Street. Appealing the denial on October 21, 2005, of Permit to Alter a Building (on 42-unit residential building: application to amend site permit no. 2004/08/26/2687S; convert transformer room into SRO unit, thereby adding 1 residential unit; the total residential unit count will be 43 units; the transformer will be relocated to an exterior underground vault located on the property). APPLICATION NO. 2005/07/08/7099. FOR HEARING TODAY.

ACTION: Upon motion by President Sugaya, the Board voted 4-1 (Commissioner Garcia dissented) to uphold the denial.

SPEAKERS: Lawrence Badiner, ZA; John Kwong, DPW BSM; David Cincotta, attorney for appellant; George Hauser, appellant.

(11) **APPEAL NO. 05-181**

CITIZENS FOR EQUAL TREATMENT IN THE PERMIT PROCESS, Appellant(s)	1634-1636 Waller Street. Protesting the issuance on October 13, 2005, Eun Young &

vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	Seil James Lee, Permit to Alter a Building (on 2-unit building: add dormers on existing 4th floor family room and rear bedroom; add new bathroom, new skylights and miscellaneous interior remodeling; all work to be done on 4th floor only; dormers to comply with Zoning Administrator bulletin dated June 1, 1996). APPLICATION NO. 2005/10/06/4992. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Garcia, the Board voted 4-0 to recuse Commissioner Knox; afterwards, upon motion by Commissioner Garcia, the Board voted 4-0-1 (Commissioner Knox recused) to uphold the subject permit with the following findings: a) that no false information was given in order to obtain the permit; and b) that no testimony was offered that there are any Code violations.

SPEAKERS: Leo McFadden, DBI; Andrew Zacks, attorney for appellant; G. Scott Emblidge, attorney for permit holders; William Shock, agent for DBI; Lawrence Badiner, ZA; Joe O'Donoghue, and Roy Guinnane, for appellant; Mata Swenson, Raquel Fox, Henry Karnilowicz, Stephen Wynne, Anthony Dumont, Craig Greenwood, and Kenneth Harrington, for permit holders.

There being no further business, President Sugaya adjourned the meeting at 10:35 p.m.

Robert H. Feldman, Executive Secretary

Transcripts of these hearings can be obtained from Ms. Claudine Woeber, the Official Court Reporter, 415-506-0430.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES, PUBLIC COMMENT – DECEMBER 14, 2005

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

ITEMS:

(1) PUBLIC COMMENT: None.

(2) PUBLIC COMMENT: None.

(3a & 4) PUBLIC COMMENT: Robyn Few said as a patient of this use she wants it to stay near her in the neighborhood.

Michael Aldrich said it will be very difficult to find a new site and he asks for more time for use where it is.

Elizabeth Bell said as a patient she wants Green Cross to stay where it is.

Shone Gochenaro said as a patient advocate she feels it is problematical the appellant can find a new location and she asks for more time so they can keep looking.

Matthew Pruitt asks for more time to seek new site.

Lisa Inhoff said use in no problem to her next door. They are no problems with these good people.

Andrew Segal opposes more time because Green Cross hasn't met the conditions imposed by the Board, especially the security ones.

Charles Moser opposes more time because they haven't yet submitted a traffic plan nor have they designated a liaison for neighbors to call when there are complaints.

Shawna Wolverton read into the record reports of unpleasant incidents from neighbors.

Melva Pante saw people allowed into the shop without showing I.D.

Blair Moser said the guards can't control traffic, especially during rush hour. They didn't hire professional security like off-duty police.

(5a) PUBLIC COMMENT: None.

(5b) PUBLIC COMMENT: None.

(6) PUBLIC COMMENT: Charles Rathbone concerned about embarrassing medical conditions that may be discussed in open hearings which are personal details.

Carl Macmurdo cited appellate decisions making it clear that medallions are business licenses and not work permits and asked Board to screen out cases when permit held for many years with no problems.

Robert Cesana said the doctor says don't drive with cataracts.

Mark Gruberg said appellant wants dispensation from driving requirement because he needs cataract surgery but refuses to have surgery done, so it's clear he doesn't want to drive a cab anymore.

(7) PUBLIC COMMENT: None.

(8) PUBLIC COMMENT: Zorana Bosnic said the permit holder was forth coming, plans are appropriate and within the codes, it is a modest house and appeal troubles her.

Namie Hiraoka said on her day off she was disturbed by loud machine noise. Block has strong mid-block open space and this building will stick out, a solution would be to go deeper.

(9) PUBLIC COMMENT: None.

(10) PUBLIC COMMENT: None.

(11) PUBLIC COMMENT: Joe O'Donoghue said there were only two floors of occupancy and fourth floor was unoccupied, now they should have to sprinkler all floors.

Roy Guinnane made a site visit and saw no occupancy on the ground level while the upper flat was vacant, but he didn't look at the top floor attic.

Mata Swenson lived in the top floor in 1998 and 1999.

Raquel Fox said it is unusual to see counsel for appellants here since he usually speaks for property owners under the Ellis Act.

Henry Karnilowicz explained this over-the-counter permit process and said there is always many discrepancies in permit histories and Sanborn maps are good source of data.

Stephen Wynne said he was before the Board and the present case is an entirely different then his.

Anthony Dumont said his permit was revoked and the revocation was upheld by the Board. It was a case substantially different since it involved significant addition of floor and square footage.

Craig Greenwood's building is much like the permit holders' and so old the City has no plans on file that can determine its legal use and occupied floors.

Kenneth Harrington was hearing officer for DBI in 155 Westwood case and that case has no similarity with the present case.

Board of Appeals

December 15, 2005 (Holiday Luncheon)

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Re: **Board of Appeals Holiday Luncheon**

The Board of Appeals will have its annual holiday luncheon on Thursday, December 15, 2005 at 1:00PM at Harrington's Bar & Grill, 245 Front Street in San Francisco.

This will be a social gathering only, and no business will be discussed nor actions taken.

For more information please call Robert Feldman, Executive Secretary at 575-6880.

Date Posted: **Friday, December 9, 2005**

Board of Appeals

December 21, 2005 (No Meeting)

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PUBLIC NOTICE

The Board of Appeals has not scheduled meetings for December 21st, 2005, December 28th, 2005 or January 4th, 2006. The next regular meeting is scheduled for **Wednesday, January 11th, 2006, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

FOR THE BOARD OF APPEALS

Robert H. Feldman
Executive Secretary

Date Posted: **Dec. 15th, 2005**

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